



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, February 27, 2014

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Thursday, February 27, 2014

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

### SENATORS' STATEMENTS

#### UNITED KINGDOM

**Hon. Terry M. Mercer:** Honourable senators, the British are coming! The British are coming! Next week, from March 4 to 7, the British High Commission will host a “pop-up consulate” at the Halifax Citadel, our national historic site right in the heart of downtown Halifax.

A pop-up consulate is a temporary diplomatic office highlighting U.K. tourism and business. Since Halifax does not have a consulate, the U.K. is bringing one there anyway.

The events surrounding this pop-up consulate will be celebrating the U.K.'s relationship with Atlantic Canada, a relationship that goes back to the 17th century. This marks the first time that the British High Commission, UK Trade & Investment, British Council and Scottish Development International have partnered together to host such an event in Canada.

Honourable senators, everyone is encouraged to come and visit the Halifax Citadel, where you and any member of the public will be able to take a tour entitled “Britain: Past, Present and Future” and also visit with the consular team to get all kinds of information on things like trade, science and what services the consulate can provide.

Do you want to discuss the CETA or perhaps study in the U.K.? Well, there are information sessions for those, too, along with an art exhibit at the Art Gallery of Nova Scotia and the screening of the British Academy of Film and Television Arts' nominated British film *The Selfish Giant*.

A favoured event that I know you will not want to miss is to attend at The Lower Deck, where they will bring together tons of Nova Scotia musical talent. You can hear some great British music but also raise some money for local charities while enjoying a pint or two.

Honourable senators, I encourage you to attend if you are able to do so, but also to let people know what is happening and encourage them to attend. As a member of the Canada-UK Inter-Parliamentary Group, I'm pleased to be making this statement today.

The ties that Halifax and indeed Atlantic Canada have with the U.K. run deep. I am proud that the U.K. would consider hosting these events in Halifax and congratulate them on what I'm sure will be a great week.

### WINTER OLYMPICS 2014

#### CONGRATULATIONS TO MANITOBA'S OLYMPIC ATHLETES

**Hon. JoAnne L. Buth:** Honourable senators, I rise today as a proud Canadian following the twenty-second Olympic Winter Games in Sochi, Russia.

Our athletes portrayed our great Canadian spirit through determination and dedication to their sports and their country. As millions from across the country watched on television in the morning hours over two weeks, we saw our athletes compete hard for Canada and win medal after medal in one of our most successful Olympic Games ever.

I'm proud of all Canadian athletes, but I would especially like to recognize 10 athletes from Manitoba who represented our country and the province during these games.

Women's curling team members, Kaitlyn Lawes, Jill Officer, Dawn McEwen, Kristin Wall and skip Jennifer Jones won gold in women's curling for the first time since 1998, going undefeated in all 11 matches they faced.

Speed skater Brittany Schussler and biathlete Megan Imrie competed hard in their respective sports and are true role models to young Canadian female athletes.

Ryan Fry, a member of the men's curling team, along with members from Sault Ste. Marie, won the gold after dominating a finals match against Great Britain.

Jocelyne Larocque was on the women's hockey team and part of one of the most exciting gold medal games ever, as our women came back from a 2-nothing deficit against the Americans to win the game in overtime in exhilarating fashion. Jocelyne had an assist in the epic comeback win and was an instrumental component to the women's hockey team, which won gold for the fourth consecutive Winter Olympics.

Last, but certainly not least, there was Captain Serious — Jonathan Toews of the men's hockey team. Jonathan was outstanding the entire tournament as the men's team dominated their competition. Jonathan scored the first goal in the gold-medal game against Sweden. The men's gold was their second gold medal in a row, having won in dramatic fashion four years ago in Vancouver.

Honourable senators, the Olympics are an amazing example of our athleticism. Our Canadian athletes proved that they belong on the world stage and that indeed — hashtag — we are winter.

**TENELLE STARR****ABORIGINAL RIGHTS**

**Hon. Lillian Eva Dyck:** Honourable senators, I would like to use my time in this senator's statement to share with you the story of a very brave and thoughtful young lady, Tenelle Starr. Last month, 13-year-old Tenelle Starr from the Star Blanket First Nation in Saskatchewan inadvertently caused quite the controversy because of a sweatshirt. Tenelle wore a sweatshirt that read: "Got Land...Thank an Indian."

• (1340)

I thought this was a cute use of language that speaks to the history of this country, as did Tenelle, who simply said, "We were taught Indians were on this land first." And yet, the administration at Balcarres School, north of Regina, forced Tenelle to remove her sweatshirt and refrain from wearing it to the school from then on.

This eighth grader and her mother tried to reason with the school at subsequent meetings. Tenelle explained her decision to wear the sweatshirt saying "it supports our treaty rights and land rights... that's important." They were told that some students and community members had complained to the school and thought the message was rude and racist. The school took the initial step of telling Tenelle not to wear the sweatshirt to school or wear it inside out, hiding its message.

Eventually, after several meetings between the school and the leaders of the Star Blanket First Nation, they came to the agreement that Tenelle's sweatshirt and its message were acceptable to the school. The school also decided to host a treaty symposium this month.

This entire situation speaks to the larger issue that there exists a lack of general education and understanding of Aboriginal history and treaties in Canada. I am glad that the school eventually embarked upon meetings with the Star Blanket First Nation to address the issue over the sweatshirt, but it is disheartening that the first reaction from the school was to say no. Tenelle simply wanted to express her heritage and her thoughts on the historical context of Aboriginal Canadians in Canada.

A 13-year-old Aboriginal girl should not be shamed for expressing such thoughts with her clothing. We should be encouraging students like Tenelle to spark serious dialogue and engagement with her fellow students, teachers and community members to break through this type of misunderstanding. Saying no only discourages this type of cross-cultural dialogue. I would hope that in 2014 we could move past this misunderstanding or, in some instances, lack of understanding of the historical context by which Canada was created.

While the whole controversy placed an enormous amount of stress on both Tenelle and her mother, they were strong and persevered in standing up for their rights.

You are a brave young lady, Tenelle. You stood up for what you believe in and tried to engage your fellow classmates in a dialogue about the true history of this country with eloquence and grace. Bravo.

**THE LATE ANGÈLE ARSENAULT, O.C.**

**Hon. Elizabeth Hubley:** Honourable senators, today it is with great sadness that I rise to celebrate the life of Angèle Arsenault, who passed away this Tuesday, February 25, in Quebec at the age of 70. Ms. Arsenault was born in Abrams Village and was one of Prince Edward Island's most well-known Acadian singer-songwriters.

The eighth of 14 children, Ms. Arsenault was surrounded by music her whole life. At the young age of 14, she won her first amateur singing competition, which was televised in Charlottetown. While studying at the University of Moncton, she began her career in music by singing traditional Acadian songs in coffee houses and hosting her own French CBC radio show until she graduated in 1965.

It was during the 1970s after she moved to Quebec that her career began to take off. She worked as a TV host for the program *True North* from 1973 to 1975, and won a Gold Hugo Award from the Chicago International Film Festival in 1974 for her educational program, *Avec Angèle*. On top of this, she also appeared in several films for the National Film Board of Canada.

When she was not in front of the camera, this multi-talented star published *Première*, which was a collection of poems, and released her first album by the same name in 1975. In 1976, she released her first self-titled English-language album and her second French-language album, *Libre*, which received critical and popular raves, selling over 300,000 copies. She toured across Canada and internationally during her lifetime performing as Canada's representative at the Spa Festival in Belgium in 1980 and was featured at the Canada Gala performance for the official signing of Canada's independence by Queen Elizabeth in Ottawa in 1982.

Throughout her distinguished career, she recorded 15 albums of her own compositions; hosted a number of her own TV series and radio shows; was awarded Ordre de la Pléiade from the Assembly of French-Speaking Parliamentarians, which recognized her work in the promotion of the French language and culture in 1997; and received an honorary doctorate from UPEI in 1999. She was named Zonta International's Woman of the Year in 2000; received the Queen's Golden Jubilee Medal in 2002; was named to the Order of Canada in 2003 and to the Order of Prince Edward Island in 2005.

Angèle, thank you for a life dedicated to the arts and culture in Canada. You will certainly be missed.

I invite all honourable senators to join me in expressing our condolences to Angèle's family and friends.

## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### THIRD REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey**, Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 27, 2014

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

#### THIRD REPORT

Your Committee has approved the Senate Main Estimates for the fiscal year 2014-2015 and recommends their adoption. (Annex A)

Your Committee notes that the proposed total budget is \$91,485,177.

Respectfully submitted,

NOËL A. KINSELLA  
*Chair*

(For text of report, see today's Journals of the Senate, *Appendix*, p. 456.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Hon. Marjory LeBreton:** Never.

(On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

### HIS HIGHNESS THE AGA KHAN

#### ADDRESS TO MEMBERS OF THE SENATE AND THE HOUSE OF COMMONS—MOTION TO PRINT AS AN APPENDIX ADOPTED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That the Address by His Highness the Aga Khan, to Members of both Houses of Parliament, delivered Thursday, February 27, 2014, together with all introductory and related remarks, be printed as an appendix to the *Debates of the Senate* of this day and form part of the permanent records of this House.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(For text of speeches, see *Appendix*, p. 1048.)

### STATUTORY INSTRUMENTS ACT STATUTORY INSTRUMENTS REGULATIONS

#### BILL TO AMEND—ALLOTMENT OF TIME— NOTICE OF MOTION

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, in our daily scroll meetings, Senator Fraser and I have ongoing discussions on the Orders of the Day and various items of great interest and importance to all of us. We haven't reached complete agreement on this item. Therefore, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill S-2, An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations.

• (1350)

[English]

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation led by His Excellency Dr. Igor Corman, M.P., President of the Parliament of the Republic of Moldova.

On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

[Translation]

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY NON-RENEWABLE AND RENEWABLE ENERGY DEVELOPMENT IN NORTHERN TERRITORIES

**Hon. Grant Mitchell:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on non-renewable and renewable

energy development including energy storage, distribution, transmission, consumption and other emerging technologies in Canada's three northern territories. In particular, the committee shall be authorized to:

Identify energy challenges facing northern territories including the state of existing energy services and infrastructure assets as well as related economic, social, geographic and environmental challenges;

Identify existing federal and territorial programs and measures aimed at improving energy use and supply in the north;

Examine ways of enhancing and diversifying energy production for domestic needs and export markets; and

Examine ways of improving the affordability, availability, reliability and efficiency of energy use for industries, businesses, governments, and residents in the north.

That the committee submit its final report no later than December 31, 2014 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[English]

## QUESTION PERIOD

### AGRICULTURE AND AGRI-FOOD

#### DISTRIBUTION OF GRAIN BACKLOG

**Hon. Terry M. Mercer:** Honourable senators, as I stand up, I just want to make sure that my friends opposite got notice yesterday that I'm going to stand up and I'm going to be asking questions related to my own "pet peeves," according to their talking points across the way.

Your Honour, I usually ask questions about important things that affect my region, the country or the committees that I'm involved in, which is what I'm going to do today.

Honourable senators, the backlog of Canadian grain in the Prairies is hurting farmers and families. It is hurting our export relations with the countries we do business with. It's hurting Canada. Of course, it seems like we are getting punished for being good at growing grain. The harvest last year was excellent, but the quality of the shipping of that harvest by rail is abysmal.

**Senator Mitchell:** Bring back the Wheat Board!

**Senator Mercer:** What is the federal government doing to encourage the railways to clear the backlog for our western farmers? There's a pet peeve question for you!

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I thank Senator Mercer for the question. As you know, the current level of rail service is not keeping pace with demand in the agricultural sector. Farmers and our economy need an efficient, effective and reliable logistics system. Our government is weighing all the options to ensure that farmers can get their crops to market.

Our government has already acted on the Crop Logistics Working Group's early recommendations to improve the competitiveness of the supply chain. As you know, we have enhanced the mandate of the grain monitoring program to increase transparency in the grain transportation logistics system. As I said, we will continue to weigh all of the options to ensure that farmers can get their crops to market.

[English]

**Senator Mercer:** Another original answer from the Leader of the Government in the Senate.

In a recent article in *The Globe and Mail*, it is mentioned that the Provinces of Alberta and Saskatchewan are asking the federal government for help. Saskatchewan wants Ottawa to negotiate — Senator Tkachuk wants to hear this — service agreements between grain and rail companies to require certain levels of shipping, while Alberta wants Ottawa to administer penalties against the railways where service has been lacklustre, at best.

Last June, the government brought forward Bill C-52, which is now law. It was designed to provide for service-level agreements that were supposed to give better service and protect both shippers and railways from disputes.

When asked about the two provinces' proposals that I just mentioned, Minister Ritz responded with a statement saying that he wouldn't let farmers "be held hostage by this poor service" of rail and grain companies.

Would the leader then admit that Bill C-52 has become a failure, since it is doing nothing to help the relationship between shippers and the railways?

[Translation]

**Senator Carignan:** Honourable senators, with respect to Bill C-52 and the Canadian Wheat Board, we have kept our promise and given Western Canadian grain producers the marketing freedom that they deserve.

With respect to grain transportation, contrary to your claims, we prefer concrete action. We are working with industry partners, such as the Crop Logistics Working Group, to come up with long-term solutions.

Need I remind you that we invested \$1.5 million in that working group along with industry partners to work on finding long-term solutions?

[English]

**Senator Mercer:** I don't think the Leader of the Government is correct. He seems to have gone off and wants to talk about the Wheat Board, and I want to talk about getting wheat to market, no matter where it's grown and no matter how they sell it.

• (1400)

The Senate Transport and Communications Committee I wouldn't say predicted this, but we did study it. In a report in June 2008 we examined the Canadian system of containerization. We found that because of the large number of components, ships, roads, rail, trucks, ports et cetera, the system was a patchwork of federal, provincial and municipal jurisdictions that impedes the functioning of the system.

We recommended a lot in that report, including enhancing the level of service by the railroads to shippers and increasing the supply of containers. Then the Rail Freight Service Review Panel released its report in June 2012 and recommended that certain steps be taken to accomplish a better level of service for shippers and railroads.

That's how we ended up with Bill C-52, which was about better rail service.

I warned the government in my comments at third reading that I didn't believe the bill provided for contracts for better service terms, other than for operational terms. We, the opposition, tried to amend the bill, but the government, of course, refused as they have ever since they've gotten their majority.

Does the leader now see that the system of shipping in this country is a complete mess and that it must take concrete action to fix it so that we don't have this type of backlog that exists right now?

[Translation]

**Senator Carignan:** I will repeat my answer because I have a feeling that the senator misunderstood. We have acted on the early recommendations of the Crop Logistics Working Group to improve the competitiveness of the supply chain. We have also enhanced the mandate of the grain monitoring program, which will make the grain transportation logistics system more transparent. We have invested \$1.5 million, and we are working with industry partners such as the Crop Logistics Working Group to find long-term solutions.

[English]

**Senator Mercer:** Let me just tell you the story of what your ministers have been saying.

A news release on June 26, 2013, in Ottawa said:

The Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, announced today that the new *Fair Rail Freight Service Act* is now law.

The bill received Royal Assent earlier today.

Minister Lebel is quoted as saying:

Our Government is proud to have taken concrete action to strengthen our economy by passing legislation that will improve the predictability, clarity and reliability of rail freight service across Canada.

He went on:

We have delivered the promise we made after receiving recommendations from the Rail Freight Service Review's Panel of experts.

Oh, that sounds pretty good. Let's see what Minister Ritz had to say the other day in *The Globe and Mail*.

The bottom line is that the current level of rail service is unacceptable to farmers, and the railways have not yet put forward a viable plan to address this year's bumper crop. Our government will not let farmers or our economy be held hostage by this poor service, and we are considering all options to ensure our farmers are able to get their crops to market.

Mr. Ritz said that in a statement released by a spokesman from his office.

Now, leader, you have Minister Lebel saying that they have delivered quality service that is going to provide service to the farmers in this country to get their products to market. And you now have the Minister of Agriculture saying that the transportation system is in shambles.

Without reading your notes, please tell us how you're going to fix this mess.

[Translation]

**Senator Carignan:** Senator, contrary to what we are hearing in the scrums, the tone of your questions remains partisan. I would like you to acknowledge with me that this government is taking concrete action, as I explained, and is working with its partners, including the Crop Logistics Working Group, to improve the competitiveness of the supply chain.

Therefore, instead of resorting to partisanship, I would ask you to acknowledge the concrete action taken by this government.

[English]

**Hon. JoAnne L. Buth:** Honourable senators, my question is to the Leader of the Government in the Senate.

Leader, I'm wondering if you can confirm that because of this government's initiative in the removal of the monopoly of the Wheat Board, numerous producers across Alberta, Manitoba and Saskatchewan have been able to truck their grain — wheat primarily, but also clearly some canola and barley — to the



United States, which is helping essentially alleviate some of these issues of the bumper crop that growers have been able to grow this past year.

[Translation]

**Senator Carignan:** Thank you, Senator Buth, for your question. As you know, our farmers planted an additional two million acres, which yielded more than 20 million tons of grain over and above last year's crop. I believe this is due to a bumper crop. However, I believe that the reason farmers planted more crops this year is because they clearly saw that they could sell their crops without having their hands tied by the Wheat Board.

**Hon. Ghislain Maltais (The Hon. the Acting Speaker):** Before recognizing Senator Chaput, I understand that it is Thursday, but I would ask all honourable senators who wish to carry on discussions to please take them outside the Senate chamber.

## OFFICIAL LANGUAGES

### BRITISH COLUMBIA—FUNDING FOR FRENCH AS SECOND LANGUAGE TRAINING

**Hon. Maria Chaput:** My question is for the Leader of the Government in the Senate and has to do with learning French as a second language.

Two days ago, the organization Canadian Parents for French B.C. & Yukon issued a press release regarding the registration of children in French immersion schools. In British Columbia, there are not enough spaces in immersion schools to meet the demand.

Here is my question: The British Columbia provincial government received over \$10 million from the federal government in 2012-13 as part of a bilateral agreement for the delivery of education programs in French as a second language. That money should therefore be dedicated to French immersion schools.

Will the federal government ensure that the funds intended for French as a second language education programs are in fact used for that purpose, and will it somehow follow up in that regard?

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, Senator Chaput. As you know, Canada's official languages are important to our government. I believe you are aware that our government's Roadmap for Official Languages represents the most comprehensive investment in official languages in Canada's history, amounting to \$1.1 billion.

The Roadmap supports both francophone and anglophone communities and is based on three priorities: education, immigration and communities. I assure you, senator, that the funds allocated must be spent in accordance with the rules of the program and with a view to achieving its objective.

**Senator Chaput:** I would like to thank the leader for his answer, but my question is more about the amounts that the federal government transfers to British Columbia for French as a second language programs. I would like to know whether there is a way

for the federal government to ensure that the funding allocated to these French as a second language programs is indeed used for that purpose.

In British Columbia, there are not enough spots. Parents have to wait in line and call in, and spots are awarded by lottery.

If British Columbia is indeed using the funding it is being given for French as a second language programs for that purpose, why is the Liberal — sorry, I meant federal — government not providing the province with more assistance since the need is obviously there?

• (1410)

**Senator Carignan:** Your slip of the tongue shows just how independent you really are. I'm a bit surprised. Your question has thrown me off a bit.

Clearly, our role is not to interfere in provincial jurisdiction over education funding. Amounts are transferred to the provinces for various programs. I don't have any specific details about the transfer for this particular program, but when funding is transferred under a federal-provincial agreement — not a Liberal one — there are rules, and we expect that those rules will be followed.

**Senator Chaput:** Is it possible to find out whether the funding that was given to British Columbia for French as a second language programs was used for that purpose and whether it was used properly?

**Senator Carignan:** I will ask the minister responsible whether there is a program and what that specific program is. I will then provide you with the details of the transfer and the use of the funding for this specific program, if there is one.

## JUSTICE

### ALBERTA—JUDICIAL APPOINTMENTS— ACCESS TO JUSTICE IN FRENCH

**Hon. Claudette Tardif:** Honourable senators, my question is for the Leader of the Government in the Senate.

The budget tabled by the Minister of Finance on February 11 proposes to create two new federally appointed positions on the Alberta Court of Queen's Bench.

Will the government ensure that these new judges are able to hear cases in French?

**Hon. Claude Carignan (Leader of the Government):** As you know, Senator Tardif, we are talking about Canada's Economic Action Plan, which provides for the creation of a number of new positions for judges in the provinces.

Committees made up of members of the public and bar associations are responsible for establishing the criteria for

appointing judges. These committees must ensure that judges are able to hear cases.

**Senator Tardif:** I have an additional question. A study by the Commissioner of Official Languages published in 2013 confirms that appointing an insufficient number of bilingual judges is a major obstacle, which means that we are not guaranteed that a bilingual judge will be available, as required by law.

Budget 2014 sets aside \$4.4 million to create new federally appointed judicial positions.

Will this money improve access to justice for all Canadians, or will this investment exclude francophones in minority communities?

**Senator Carignan:** Senator, as I said, there are specific criteria for appointing judges. There is a judicial appointment process, and choices are made based on these criteria and this process. A list of recommended candidates is drafted. The Minister of Justice appoints judges based on the recommendations of the committee, in accordance with criteria that include the candidates' competence.

**Senator Tardif:** Mr. Leader, under the law, every accused has the right to be tried before a judge, a Crown attorney and a jury who speak the official language that is the language of the accused. These rights are very clear.

How can we ensure that these rights are respected if no bilingual judges are appointed?

**Senator Carignan:** Senator, the positions are filled according to certain criteria, including competence. With respect to the administration of justice and the management of the roles of the courts, as you know, judges — and you mentioned this — who hear cases must do so in the language of the accused and/or must provide for translation in some cases. It is a matter of managing roles when cases are assigned, to ensure that the accused's fundamental rights are respected.

**Senator Tardif:** Access to justice in French is a particular problem in Alberta. What is keeping the government from appointing qualified individuals in areas where there is a lack of services in French?

**Senator Carignan:** We have invested significant amounts in the Access to Justice in Both Official Languages Fund, which also supports language training for bilingual participants in the justice system across Canada. We provide financial support so that Crown prosecutors, judges, bailiffs, probation officers, court interpreters and police officers can provide services in both official languages. That also includes a long-term training program that focuses on the needs of provincially appointed judges who preside over criminal trials as well as programs to help participants in the justice system provide services to members of the public in the language of their choice.

The federal government is committed to making every effort to ensure that people can speak and understand both official languages so that they can provide services. As for respecting

basic rights and assigning a judge who understands the accused's language, to respect the constitutional rights of the accused, it is a question of managing roles to ensure that the judge hearing the case can understand what is happening or that translation is provided, depending on the case and the court, and that the judge complies with the provisions of the Criminal Code.

[English]

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I listened to all that with some bemusement. The law says there has to be judges everywhere who can speak the language of the accused. You say we have all these programs to help people learn the other official language.

This is a government that keeps talking about how it likes to save money. Why don't you just in the first place make one of the criteria be a judge who can understand both official languages? It would be simpler, fairer and certainly cheaper.

[Translation]

**Senator Carignan:** I don't want to refer you to my speech on the bill concerning bilingual judges and the related constitutional issues. I would remind you that section 133 of the British North America Act which is now known as the Constitution Act, 1867 states that in both Parliament and the courts, every individual has the right to use the language of his or her choice. That is why I am responding to questions in French, although some are asked in English and some in French. Individuals have the same rights before the courts.

It is a question of the administration of justice.

• (1420)

Assigning cases is an administration of justice issue. It's up to the provinces and the judge who has that responsibility to ensure that the judge who hears a case understands and speaks the language of the accused. If that language isn't an official language, then there is translation.

## AGRICULTURE AND AGRI-FOOD

### ICEWINE REGULATIONS

**Hon. Pierre-Claude Nolin:** Honourable senators, my question is for the Leader of the Government in the Senate, and it is about the production of icewine in Canada.

[English]

Colleagues, we have a vast country, and winter does not show up in the same way all across the country. I'm talking about icewine. Freezing in Quebec is different than freezing in Ontario, and it's different than freezing and snow in British Columbia. All of those provinces have in common the production of icewine. And guess what? We're winning prizes around the world because we are producing the best icewine in the world, but, in our own Canadian way, we find a way to argue amongst ourselves.

[ Senator Carignan ]

[Translation]

Thursday, February 27, 2014

The Minister of Agriculture is very aware of this dilemma. Despite the fact that Canada is winning international prizes for the quality of its icewine, we are arguing amongst ourselves about the definition of icewine. I would like to know what the government did to resolve this little problem once and for all, a problem that was the envy of the world but also made people laugh.

**Hon. Claude Carignan (Leader of the Government):** I would like to thank the honourable senator for his question. We share two passions: icewine and representations within our national caucus, including talking to Minister Ritz to ensure recognition for the icewine appellation.

As you know, Quebec is a major icewine producer. My city, Saint-Eustache, is one of the biggest icewine producers in Quebec. When we represent our regions and participate in a national caucus, we can express our point of view in the national caucus and to Canadian producers, who, it must be said, produce the best icewine in the world.

The Canadian Food Inspection Agency held extensive consultations with the provinces and stakeholders, resulting in the publication of a regulation in the official Gazette to recognize the “icewine” appellation. The regulation also allows this appellation to be recognized in every region of Canada, when the grape freezes naturally on the vine, which also protects the appellation in Quebec.

I would be remiss if I did not share with you what François Gendron, Quebec’s Deputy Premier and Minister of Agriculture, Fisheries and Food, said. He hailed the federal government’s publication in the *Canada Gazette* of the regulation that defines icewine. He said:

I welcome this news, especially since the federal government recognizes the regional differences in climate and growing conditions in Canada. The discussions over the past few months, particularly the ones I had with my counterpart, Gerry Ritz, have yielded results. I am quite pleased with this turn of events.

The Association des vignerons du Québec issued a press release in which it also hailed the publication of the Canadian regulation that provides a definition for icewine.

This proves that when senators decide to represent their region within a national caucus, a lot can get accomplished. I want to thank the senator for his work.

## SIoux VALLEY DAKOTA NATION GOVERNANCE BILL

### SECOND REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Leave having been given to revert to Presenting or Tabling of Reports from Committees:

**Hon. Dennis Glen Patterson**, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

### SECOND REPORT

Your committee, to which was referred Bill C-16, An Act to give effect to the Governance Agreement with Sioux Valley Dakota Nation and to make consequential amendments to other Acts, has, in obedience to the order of reference of Wednesday, February 12, 2014, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DENNIS GLEN PATTERSON  
*Chair*

**The Hon. the Speaker *pro tempore*:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

(On motion of Senator Patterson, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[English]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table the answer to the oral question asked by Honourable Senator Jaffer, on December 10, 2013, concerning the National Action Plan on Women, Peace, and Security.

### FOREIGN AFFAIRS

#### NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY

(Response to question raised by Hon. Mobina S. B. Jaffer on December 10, 2013)

The government tabled in Parliament the 2011-12 Progress Report on Canada’s Action Plan on Women, Peace and Security on January 31, 2014.

This is a voluntary report that was tabled because this government believes the involvement of women in peace and security is an important issue. Canada is committed to supporting the participation of women in conflict resolution, and the human rights and protection of women and girls involved in arms conflict and related sexual violence. The Government of Canada recognizes the fundamental role of women in the development of a country and its economy. The security, success and stability of any country are a direct result of the involvement of women, not despite it.

In 2012, the Government of Canada contributed \$18.5 million over five years to continue to bring assistance to victims of sexual violence in eastern Democratic Republic of Congo, and to bring perpetrators to justice. It also announced a further \$5 million to fight sexual violence in conflict regions. In addition, Canada is providing \$10 million to the United Nations to help eliminate discrimination against women in Southeast Asian countries, and we are proudly supporting UN Women with \$30 million.

## ORDERS OF THE DAY

### NORTHWEST TERRITORIES DEVOLUTION BILL

#### SECOND READING

**Hon. Dennis Glen Patterson** moved second reading of Bill C-15, An Act to replace the Northwest Territories Act to implement certain provisions of the Northwest Territories Lands and Resources Devolution Agreement and to repeal or make amendments to the Territorial Lands Act, the Northwest Territories Waters Act, the Mackenzie Valley Resource Management Act, other Acts and certain orders and regulations.

He said: Honourable senators, I'm very pleased to speak today as the Senate sponsor of Bill C-15, the Northwest Territories Devolution Bill, which fully merits the support of all honourable senators in this chamber.

• (1430)

The proposed legislation would finally grant the people of the Northwest Territories a meaningful role in the decisions that affect their lands, resources and day-to-day lives, giving northerners the same level of economic participation and benefits enjoyed by Canadians south of 60.

As someone with deep roots in the Northwest Territories, I know first-hand that Northwest Territories residents are more than ready, willing and able to make their own decisions about lands and resources in their own backyards and to make the most of current and emerging opportunities in the region.

I also personally know the long road that has been travelled to get to this point and I can't tell you how privileged I am as Senator for Nunavut and sponsor of this important legislation in the Senate to stand here today, nearly 35 years after I was first elected to the Legislative Assembly of the Northwest Territories, and more than two decades since I last served as territorial premier.

I want to acknowledge another territorial premier who is in this house today — Honourable Senator Sibbeston — who also is well aware of this journey.

**Some Hon. Senators:** Hear, hear!

**Senator Patterson:** I am pleased to mark this momentous moment in the political and economic evolution of the N.W.T. and our great country Canada.

During my time in the N.W.T. legislature and cabinet, years of intense debate and hard work were devoted towards achieving a devolution agreement on lands and resources.

However, while the Northwest Territories was successful in achieving devolution in other areas of provincial-like responsibilities, such as health care and education to local territorial authorities, many successive governments have attempted to reach a devolution agreement on lands and resources but failed.

It was only under the leadership of this Prime Minister, Stephen Harper, and the Premier of the Northwest Territories, Bob McLeod, that we are here today.

As Premier McLeod described in his testimony before the Standing Senate Committee on Energy, the Environment and Natural Resources, as we began our pre-study of this important bill in December:

Devolution will mark the culmination of a political evolution that began with the original creation of the Government of the Northwest Territories in 1967. For the first time, the people of the Northwest Territories will enjoy a level of self-determination and control over territorial affairs on par with that enjoyed by their fellow Canadians in the provinces and Yukon. Devolution will make good on the promise from 46 years ago and which we have secured through the ongoing development of a fully elected and representative legislative assembly that has steadily assumed responsibilities from Canada.

As a result of this bill, northerners will be able to exercise more control over their economy, their communities and their lands and culture, and shape their own future for themselves and future generations.

I'm convinced that this is even more timely as the North plays an increasingly prominent role in Canada's prosperity.

Throughout our history, Canadians have considered the North mostly in terms of its future potential. This potential is now being realized, prompting the question: Who decides? Who will make the many far-reaching decisions about resource development and the protection of environment in the North?

In a modern, progressive democracy such as ours, the only acceptable answer is northerners themselves. Devolution to Yukon and the creation of Nunavut have empowered northerners and now the Northwest Territories' time has come.

However, equally critical in this development is the ability to provide a stable, predictable and timely regulatory system, which encourages investment in exploration for and development of the N.W.T.'s rich resources.

As my colleagues from the Standing Senate Committee on Energy, the Environment and Natural Resources and I heard during our pre-study hearings on this bill, the current regulatory

regime is clearly outdated. It cannot, in its current state, meet the needs of northerners post-devolution. To realize their full potential and the promises of devolution, residents of the Northwest Territories need an efficient, responsive regime, one that avoids needless delays, duplication and red tape. That is a why a key element of this legislation is a modernized regime governing the management of Northwest Territories lands and water resources.

To create such a regime, Bill C-15 would amend a series of acts, including the Mackenzie Valley Resource Management Act, the Territorial Lands Act and the Northwest Territories Waters Act.

An essential component of the new regime, and one that's been the focus of considerable debate, is the establishment of a single board to manage land and water resources. This is not a new concept. The possibility of establishing a single board has been around for decades. In fact, the proposed Dene and Metis comprehensive land claims final agreement, negotiated with the Dene Nation and Métis Association of the Northwest Territories in 1990, included a provision for a single board that would serve as the main instrument to regulate land and water use throughout the Mackenzie Valley.

The final agreement was based on the 1988 Dene/Metis Joint Land Claim Agreement in Principle signed in Fort Rae, N.W.T., with Prime Minister Brian Mulroney signing on behalf of Canada.

This final agreement was initialled by negotiators; however, it was never put to a vote. Instead, Canada negotiated a series of regional agreements based largely on the original accord. Over the next 13 years, regional agreements with the Gwich'in, the Sahtu Dene and Metis, and the Tlicho were negotiated. Each agreement, in keeping with the vision of the original Dene/Metis claim, provided for the creation of a single land and water board for the Mackenzie Valley. These are spelled out in chapter 24.4.6 of the Gwich'in agreement, chapter 25.4.6 of the Sahtu Dene agreement and chapter 22.4.1 of the Tlicho agreement.

In the interim, in the absence of a larger board, regional boards were established. Each regional board — Gwich'in, Sahtu and Wek'èezhii — has five members, while the Mackenzie Valley Land and Water Board also has five members, for a total of 20 members.

Without this legislation, the settlement of five land claims currently under negotiation would likely lead to an increase in the number of regional panels and the number of members, which could balloon the size of the board to as many as 55 members — not exactly a model for efficient management of lands and resources in the Mackenzie Valley.

Moreover, there can be no doubt that multiple boards are less effective and efficient than a single, integrated board. Various studies of regulatory reform in the North, including Neil McCrank's 2008 report, *Road To Improvement*, recommended restructuring the land and water boards in the Mackenzie Valley. A single, integrated board managing land and water usage would support consistent, informed decision making, and a strong, effective and efficient regulatory regime. A single board would ensure consistency and predictability in the regulatory regime.

To get a sense of the potential impact of regulatory regimes, one needs to look no further than Yukon. A decade ago, prior to devolution and the establishment of the Yukon Environmental and Socio-economic Assessment Act, or YESAA, Yukon struggled to attract project proponents and investors. Today, Yukon's economy is much stronger. The territory's gross domestic product has grown nine years in a row and exceeded Canada's annual growth rate in eight of the last ten years. Since devolution, the territory's gross domestic product has increased 150 per cent.

The regulatory regime in the Yukon has ensured that resource development projects proceed in a way that doesn't compromise environmental considerations. Here's how Yukon Premier Darrell Pasloski described it late last year in a speech to the Canada's North Summit:

Frameworks like YESAA enable us to harness the momentum of the past decade and turn it into sustainable economic growth, with the confidence that such growth will not occur at the expense of the territory's environmental integrity.

Honourable senators, Yukon's recent success stands as a valuable lesson of the potential impact of regulatory reform and devolution in the Northwest Territories. The legislation now before us will provide the Northwest Territories with the same opportunity to benefit from its own lands and resources.

• (1440)

Indeed, the Northwest Territories is blessed with a remarkable abundance of natural resources. This is part of the reason that the Conference Board of Canada predicts that the gross domestic product of the Northwest Territories will nearly double by the year 2020 to \$9.6 billion. To realize this potential, however, to ensure that development adequately benefits Northwest Territories residents and safeguards the environment, a responsive, predictable and timely regulatory system needs to be in place.

But don't just take it from me. As Premier Bob McLeod of the Government of the Northwest Territories rightly noted before the House of Commons Standing Committee on Aboriginal Affairs and Northern Development:

We need an efficient and effective regulatory system in the Northwest Territories that protects the public interest, allows us to manage our land and environment and promotes responsible development.

The pre-study of this bill at Senate committee was wide-ranging and extremely valuable, and we heard from a number of witnesses. One of the recurring themes we heard was a need to ensure that the regulatory regime envisioned strikes an appropriate balance between environmental and economic considerations. Some representatives of the mining industry were calling for a 24-month maximum time limit per project on environmental assessment and impact-review processes. Many environmentalists, however, expressed hesitation toward limiting the length of time for reviews.

Bill C-15 proposes timelines that are broadly similar to those authorized in relevant federal legislation, namely the Canadian Environmental Assessment Act, 2012, and respects existing land claims obligations regarding the conduct of environmental assessments and environmental impact reviews. The time limits in Bill C-15 will provide certainty and clarity for all — proponents, boards, governments and Northwest Territories communities.

Another concern expressed by industry was that the phrase “public concern” remains undefined in Bill C-15. As a result, many small-scale, low-impact activities, such as small exploration, drilling and geophysical-survey projects, may be subject to environmental assessments. Clearly, industry wants to provide potential investors and proponents with the greatest possible level of certainty and predictability. However it is most prudent to ensure that the term “public concern” is not overly constrained by a strict definition that could reduce discretion that the board will require when determining how a project will be reviewed. Moreover, the approach taken on the public concern issue is consistent with other northern environmental assessment statutes, as well as the Canadian Environmental Assessment Act.

I also want to elaborate on concerns raised about amalgamation of existing land and water boards. By way of background, concerns have been expressed by Aboriginal governments and other witnesses that the present regulatory system provides meaningful opportunities for regional input into decision making through regional boards and that the system has allowed for the development of administrative capacity in the regions. Aboriginal governments expressed their concerns that one board in the Mackenzie Valley would diminish opportunities for regional input into decision making and that one board could result in a centralized administration, which would diminish capacity and working relationships with industry in the regions. On December 5, 2013, the Minister of Aboriginal Affairs and Northern Development, the Honourable Bernard Valcourt, appeared before our Senate Energy Committee. I asked him to comment on these board amalgamation concerns. He responded:

The restructured board will not have permanent panels. However, in order to accommodate that concern, the amendments allow for the chair to establish smaller committees to deal with applications before the Mackenzie Valley Land and Water Board. Furthermore, in response to comments received through the consultations, the proposed legislation requires the chair to appoint the regionally nominated representative to the smaller committees when they are considering an application wholly within that region.

At the same hearing on December 5, 2013, I asked N.W.T. Premier Bob McLeod to explain how his government will address concerns about a centralized administration. The premier responded:

I guess going into the process of devolution and working with Aboriginal governments very early on allowed us to recognize that to get support we had to show that resources and positions would also go to the regions and the communities. We undertook what we call a three-phased approach to decentralization. The first phase was to identify existing programs and services that we devolved out of Yellowknife to the regions and communities.

The second phase was part of the devolution process, where we recognize that there would be at least 300 jobs that would be transferred from the Government of Canada to the Government of the Northwest Territories. Certainly the Aboriginal governments had an expectation that a large part of those jobs would go to communities outside of Yellowknife. As part of that, we were able to identify 90 jobs that would be located outside of Yellowknife.

Once we have implementation on April 1 — or the transfer date of April 1 — we will be entering the third phase of decentralization whereby we will be identifying positions, and there will be programs and services moved out of Yellowknife.

The premier went on to state that funding has been identified to build up to 100 houses in communities for staff and that office space and other assets will be in place to support the N.W.T. government's decentralized land and water management regime.

I believe that these amendments in the bill and the clear commitment of the Premier of the Northwest Territories to maintain and develop a significant regional administrative presence in the regions of the MacKenzie Valley are significant responses to the concerns expressed about regional input into the new regulatory regime and regional administrative capacity.

Honourable senators, the N.W.T. is on the verge of changes that are remarkable. In living memory, the N.W.T. has evolved from being governed by a territorial council and powerful commissioner appointed by a federal minister to being a fully elected legislative assembly and cabinet, soon to inherit full control over the territory's lands and resources. This is a truly exciting milestone.

I see finalizing the transfer of control over the NWT's public lands, resources and water through devolution as another giant step in constitutional development, which the N.W.T. has sought for decades, since a fully elected assembly and responsible government evolved in the 1970s and 1980s. This is the North's time to realize its potential for the benefit of all N.W.T. residents and all Canadians. The N.W.T. will now have its opportunity to contribute to nation building on its own terms, while reducing reliance on Ottawa.

Bill C-15 is the product of a comprehensive process of negotiation and compromise involving all of the parties with a direct stake in the matter: the Government of the Northwest Territories, Aboriginal groups with and without land claims and those with transboundary claims, and representatives of industry.

Parliamentarians have analyzed, reviewed and debated the proposed legislation in a thorough and judicious manner, including during a subject-matter study of Bill C-15 by the Standing Senate Committee on Energy, the Environment and Natural Resources.

I want to take a moment, honourable senators, to thank Senator Neufeld, chair of the committee; Senator Mitchell, deputy chair of the committee; and all members of the committee. I think we approached this in a non-partisan manner for a thorough and timely consideration of this

complex bill. I mention as well that we have an implementation deadline of April 1, so we were under time pressures and worked very hard. I thank the members of the committee for that.

All that remains is to ensure that this proposed legislation is passed in order to meet the April 1 target devolution-effective date in the Northwest Territories.

I urge my fellow Senators to join me in supporting Bill C-15.

**Hon. Joseph A. Day:** Would the honourable senator take a question?

**Senator Patterson:** Yes.

**Senator Day:** Could the honourable senator confirm that the government's intention is to roll this program out as of April 1, a little over a month from now?

• (1450)

**Senator Patterson:** Honourable senators, yes, that is correct. The Premier of the Northwest Territories and the Prime Minister agreed to an accelerated timetable for the implementation phase of this bill. There will be a year-long period when it will be rolled out, so it won't have to all be crystallized in form on April 1, but the plan is for the transition date of April 1.

Progress has been made. The federal public servants who are involved have all been given offers of new jobs and I'm pleased to report that all of them have accepted transfer to the Northwest Territories. The ducks are all lined up, subject to the will of this house, to move forward with an April 1, 2014, start date.

**Senator Day:** Thank you. I understand that some activity is already taking place. We saw in Supplementary Estimates (C), which we had a first chance to look at yesterday, that approximately \$20 million is being requested to help with some of the activity you have just indicated in terms of preliminary implementation.

My concern is that the agreement was reached over a year ago between the federal government and the authorities in the Northwest Territories, yet we're just seeing this bill, Bill C-15, now in the normal course. I understand that there was a pre-study, which is another issue and another argument. However, in the normal course, we've had it for two or three days, yet the government wants this passed by April 1. Am I correct in that?

**Senator Patterson:** Yes, honourable senators, the devolution agreement — and this act gives effect to that agreement — was signed some time ago, but that began a process of actually drafting the legislation. I would like to emphasize that there has been extensive consultation with Aboriginal governments up and down the Mackenzie Valley, with industry and with the government of the Northwest Territories in the drafting of this bill.

I would respectfully say that no one was dragging their feet. They've been working intensively on drafting this complicated bill, which affects a number of existing acts. That was why it was

agreed that our committee would begin pre-study back in December. I can say that it's a complex bill. It's over 200 pages and it couldn't be drafted in a hurry.

**Senator Day:** I don't object to the purpose, intent and the policy of this particular initiative. What I'm trying to do is defend the integrity and the role of the Senate. My question to you is this: Is it fair for this body to be expected to review legislation that we received two or three days ago and pass it over the next two or three days, when you've described it as being a very extensive, complicated piece of legislation? Is that sober, second thought?

**Senator Patterson:** I would refer the honourable member to the extensive transcripts and the deliberations of our Standing Senate Committee on Energy, the Environment and Natural Resources. We had detailed technical briefings. We had extensive examination of witnesses, including witnesses from the Yukon who talked about their experience.

Yes, because of the timetable agreed to by the duly-elected government of the Northwest Territories, to which our committee deferred often, the Premier came and told us how urgent it was that the bill be passed so that his government could implement it during their life. They have roughly two years left in their life and they want to be able to make sure that this complex transition is engineered smoothly.

I would respectfully ask the honourable senator to put his trust in our standing Senate committee. I think there will be a spokesman from his side who will speak to the bill and, I hope, verify that we did a very thorough and wide-ranging study. I think the transcripts speak for themselves. Thank you.

**The Hon. the Speaker pro tempore:** Senator Sibbeston, before I give you the floor, do I understand that you are not the critic of the bill and that Senator Mitchell is? We need to know that because there's a 45-minute time limit that will apply to any speech.

**Senator Sibbeston:** That is correct; I'm not the critic.

**The Hon. the Speaker pro tempore:** Okay, Senator Mitchell will speak after Senator Sibbeston.

**Hon. Nick G. Sibbeston:** Your Honour and fellow senators, I'm pleased to speak today on Bill C-15, the Northwest Territories Devolution Act. This bill amends a number of acts to implement the devolution agreement that has been signed by Canada, the Government of the Northwest Territories and five N.W.T. Aboriginal organizations.

The bill also makes amendments to the Mackenzie Valley Resource Management Act. These changes will significantly change the regulatory system in the North that deals with land and resource development.

The devolution process, which we see this bill dealing with, has been going on ever since the territorial government moved to Yellowknife in 1967. I can tell honourable senators that back in 1967, the Government of the Northwest Territories was essentially located in Ottawa. In 1967, the commissioner of the

day, Stuart Hodgson, hired a plane to transfer and haul all the employees, files and papers from Ottawa to Yellowknife. Therein was the start of a fledgling government, which during the last 46 years has become a fully democratic, responsible government, one step short of being a province. Piece by piece, provincial-type responsibilities were transferred from the federal to the territorial government through all of these 46 years.

During my time as premier in 1986-87, we transferred health services and highways. In 1986, I signed a memorandum of understanding with all the Aboriginal groups in the North, which then included Nunavut, to allow for devolution, including that of land and resources, to proceed without prejudicing land claims. This was necessary at the time because, as we were seeking greater responsibility and control of matters from Ottawa, the Aboriginal people in the North were beginning their quest to achieve land claims and settle their Aboriginal claims, and they didn't want to be in a situation where their rights were in any way impeded and hindered. This led, a few years later, to a northern accord and from there to several rounds of negotiations to complete these transfers. None of these negotiations succeeded, until now.

I have to congratulate Premier McLeod and his partners in the North for their determination to get this devolution agreement done.

I congratulate the Prime Minister, too. I must give him credit for the leadership in advancing the transfer date from 2015 to 2014. He advanced it a full year just so that it wouldn't stand in the way of elections, both in the North and on the federal scene.

So, it put a lot of pressure on both governments but, by all accounts, they have worked hard. With the passage of this bill, the goal of empowering northerners to control their own destiny will be accomplished.

**Hon. Senators:** Hear, hear.

**Senator Sibbeston:** I've always said that the North is better off when decisions are made and programs managed in the North rather than from Ottawa. Anything that the federal government can do from Ottawa, we can do better in the North from a closer location. That has always been the case. We have often said that, where the federal government can build one house, we can build three with the same money. That has been the story of the North achieving responsible government.

• (1500)

Devolution will transfer the management of lands and resources to the territorial government. It will complete the process of responsible government. The N.W.T. will have all the powers similar to a provincial government, and it will really just be a step short of eventually becoming a province.

The public service, through this process, will increase by over 200 positions, and many of these are transfers of existing federal public servants already in the North. It is a testament to how good a good place the Northwest Territories is to work that virtually every federal public servant decided to make the move from Inuvik and also from Ottawa.

There will also be new jobs created to do the work that has been done here in Ottawa. I understand a few people in Ottawa have even decided to make the move north. I know they will find it a great experience.

More importantly, this will create more employment for northerners, including jobs in the communities outside of Yellowknife. As my colleague Senator Patterson indicated, approximately 90 jobs may well go to communities other than Yellowknife.

In addition to the money required to run these new programs, devolution also includes resource revenue sharing — new money the territorial government can use to build infrastructure or run programs. As well, 25 per cent of these funds will be transferred to the Aboriginal governments in the Northwest Territories.

The implementation of the devolution agreement has widespread, almost unanimous, support in the North. I would vote for these parts of the bill without hesitation.

I wish I could say the same about the other part of the bill, which deals with the Mackenzie Valley Resource Management Act and the regulations.

The government argues that they had to change the regulatory system in order “to devolve a modern, efficient and effective regulatory system to the government of the Northwest Territories.” Yet, in our pre-study we heard witnesses say that quite the opposite is happening.

Although Premier McLeod urged us to pass Bill C-15 as is so that devolution could proceed, he acknowledged there were concerns with the regulatory changes. He expressed confidence, saying that “by working with our Aboriginal government partners through forums like the Intergovernmental Council... we can address the concerns....”

That's what he said. Others weren't so sure.

Aboriginal groups, while still supporting devolution, objected to the elimination of regional land and water boards in favour of a centralized structure. These regional boards had been created as a result of land claims, and the creation of a so-called “superboard” violates the spirit and the intent of these claims.

They also felt they had not been properly consulted. The federal government only linked devolution to regulatory reform at the eleventh hour, when the draft of this bill was presented last October.

Aboriginal groups pointed out that the problems with the regulatory system were not with the regional boards, which operated, in their view, efficiently, well within the timelines the government is seeking. It was really the federal government that created most of the delays. I'll explain this.

The Auditor General, a number of years ago, reported on the matter of regulatory boards in the North and said that the slowness of the minister's office, the slowness of the government's



office in making appointments, was one of the reasons why there were delays.

Bill C-15 reduces the number of appointments the minister has to make — so I guess he could argue that it will help, having fewer people to appoint — and imposes time limits for response, time limits that he can unilaterally extend.

Ecology North, which came before our committee, called Part 4 of the bill anti-devolution, noting that not only does the Mackenzie Valley Resource Management Act remain federal legislation, with the federal minister making all appointments, but it also increases the power of Ottawa to set policy direction and make regulations. On the one hand, it's a major step, as it were, giving control of lands and resources to the government of the North. On the other hand, the federal government is retaining some of its control by giving the minister power to appoint the board members and set the policy for the superboard that will be created.

From the other side of the spectrum, the mining industry, too, raised issues with the proposed changes. Regulatory issues arose for the mining industry — in 90 per cent of the cases — in areas of the N.W.T. with unsettled claims. Where there were regional boards established pursuant to land claims, decisions were properly made and the boards worked properly.

It was in the unsettled claims, where there are no boards, where a lot of the delays were experienced. With respect to those areas, the superboard will not change anything in this regard.

Settling land claims will almost certainly do more to resolve the regulatory issues in the North than changes to the Mackenzie Valley Resource Management Act.

Witnesses from the mining industry also described the positive and productive relationship miners have with the regional boards. They expressed concern that, at the very least, it will take time, maybe years, to restore trust with regional Aboriginal groups.

Given that several Aboriginal groups, who are losing their regional boards, have predicted greater recourse to the courts as a result, the changes to the Mackenzie Valley Resource Management Act threaten to make the regulatory process slower and more uncertain rather than effective and efficient.

I considered briefly attempting to have the Senate divide the bill into two parts, but I recognize that such an effort would be mainly a political gesture with little chance of success. I can count. There is double the number of Conservative senators to those on this side, so I know I would not win such a move.

Despite the concerns raised by northerners regarding these regulatory changes, I will support the passage of Bill C-15. Devolution has been too important and too long in the making and will generate many benefits for the North. For these reasons, I would not stand in its way or delay it in any way.

The federal government has been clumsy and heavy-handed in its approach to regulatory reform. There is a provision for a five-year review. However, in the act it makes it hopeful that someday,

in five years, further changes can be made and that the federal control will be lessened, and more of the responsibilities in matters of appointment and setting policy for the board will also be devolved to the North.

Northerners are creative and hard-working. They know how to collaborate and compromise to build a consensus. I have no doubt that although the Aboriginal people, in particular, are not happy with the changes made in this act with regard to the board, they will find a way to make them work as well as possible for themselves. Just as we found ways to manage all of the jurisdictions and areas that have been transferred to the North, just as we found ways to improve on the services and management of the federal government, likewise I think northerners will find a way to make the regulatory system work for the benefit of the people of the North.

With this, I thank you all for listening and urge you to support the bill.

• (1510)

**Hon. Grant Mitchell:** Thank you, honourable senators. I am quite excited to be able to participate in this debate, and I'm equally excited to have been part of the committee that reviewed this piece of legislation.

For the record, before I start, I'm going to say that I will support this piece of legislation, because I think that it represents nation building. I might underline to colleagues in the Senate who didn't have the good fortune of sitting on the Standing Senate Committee on Energy, the Environment and Natural Resources during the hearings that I think our membership had a sense of being at least remotely involved in a higher level, a higher ideal kind of nation building.

At one point, I mentioned in the hearings that, while we were perhaps not Fathers of Confederation, we were at least distant relatives and we have played a part during that process in committee. Each of us in this chamber today is playing a part in the process of nation building as we debate this very significant and important piece of legislation.

It is important to acknowledge, and others such as Senator Patterson and Senator Sibbeston have, the work of those who toiled through the negotiation process and the development of the legislation. Not to reiterate too much of that, I would like to acknowledge the work of federal public servants who on two occasions offered one formal and one informal briefing to the members of the committee and demonstrated two things: first, that they were extremely knowledgeable about this piece of legislation and about the process of devolution; and, second, that they were extremely passionate about the work that they were undertaking to build the nation in this way.

One of them is sitting in the gallery today, and I would like to acknowledge Wayne Walsh, who distinguished himself, along with his colleagues, in both briefing us and clearly indicating and expressing in various ways his passion and their passion for the work being done and being captured in this bill. I acknowledge Wayne Walsh and his colleagues.

I would also like to reiterate and endorse what Senator Patterson said about our committee. It is true that the committee did extensive detailed work. I'd like to applaud — not just because he was kind enough to recognize my efforts — Senator Patterson and the chair, Senator Neufeld. They are a delight to work with. They understand that there are two sides to every story and were very clear and careful in this process, as they had been in each review process and each study that we've undertaken, to ensure that, as much as we possibly could, all sides of the story were heard, and we did that.

We heard from those who were clearly in favour of every feature of this devolution process and this devolution bill, and we also heard from those who had concerns and questions. Those concerns and questions have been raised and outlined very carefully, extensively, and successfully by both Senator Patterson and Senator Sibbeston.

I would like to emphasize what I believe to be some very positive features of this devolution. First of all, I'd like to step back and just say that this is kind of getting to be the last stage of it. We're getting closer. Lots has gone on before.

Powers that include economic development, education, local government, social services, health care, transportation, administration of justice and matters of a civil nature have been devolved. This is specifically with respect to land and resource management, or generally with respect to that, so it's important in that way that it's yet another significant step.

It's not perhaps fair to construe it as the most significant step, but it is a step that is certainly not insignificant in any way. That is because it brings a great deal of economic power and potential to the territory and to the hands of the people who live there and the people who will manage it both as public servants and politically, the political leaders. So it has great prospects and great potential in the development of that remarkable area of our country. The prospects for economic development are, I would say, definitely enhanced. All of that is good.

I was also impressed by the manner in which the revenue sharing had been worked out. I can only imagine the nature of the negotiation that would go into that and the tension that might arise in that, but it seemed that an accord had been reached that was generally acceptable by all. I don't recall hearing testimony to the contrary. What was very significant is that Aboriginal groups and governments will be receiving, if development proceeds in their areas, significant amounts of money. That's extremely important for people to be able to develop their culture and their society as they see fit, where people can have high standards of living and a good quality of life. So much is said about the importance of self-government for Aboriginal groups, and it means a great deal, but it means a great deal more if they have resources with which to exercise that self-government.

I would also like to mention, and I'm not an expert in these things, that it may be that there is a very positive and powerful unintended consequence, and that would be that this lends greater credence to the arguments that will arise increasingly and are arising increasingly in the North about Arctic sovereignty and the sovereignty of Canadians over our North. The more presence we give and whatever way we give it, and certainly, political power to the people who live there, the indigenous people included, will

bolster and strengthen arguments that will one day, I expect, inevitably have to be made in international courts about who has sovereignty over those remarkable regions. This devolution will, I think, end up proving itself as part of that important process and that important fight that I expect we will be engaged in as we go.

I do want to acknowledge, as others have, the concerns that were raised with the powers that will be given to the new super board. It's not the perfect word. I know some people are concerned with that, but it does capture some of the sentiment from the other side.

There is direct policy direction that will now come from the minister, whereas before, the heads of boards were recommended by the board members. In this case, that process won't exist. These are concerns to Aboriginal groups, the settled groups that we heard from, Tlicho, Gwich'in, and Sahtu, and they are legitimate concerns.

We also heard from Ecology North, a group that is well established and does excellent work, that they, too, are concerned about the possibility that regional representation in the review process for projects will be diminished and that there hasn't been an adequate, perhaps, relinquishing of federal powers in some ways.

I acknowledge those concerns. There are two reasons that they have not been sufficient to convince me to be opposed to this bill.

First, there are traditions of cooperation between Aboriginal Peoples, regional peoples and the central government as it has existed to this point in the Northwest Territories. There are traditions of cooperation and collaboration between and among actors in the industry and regional and Aboriginal groups. That point was made unsolicited, I believe, by certain industrial witnesses who said, "Of course, we're going to deal with and consult with regional and Aboriginal Peoples, because we need to do that. It makes good business sense and, of course, it's the right thing to do."

So, the prospects for that being accounted for and dealt with, I think, are at least good. If not perfect, they're at least good.

The second reason that I am persuaded that these problems are not insurmountable is the fact that there is provision for a five-year review and that devolution is an evolutionary process, that it isn't over and that the powers of the minister can be reconsidered and that the specific option exists in legislation for that to occur.

• (1520)

I will finish my comments simply by being positive about this important piece of legislation, thanking the members of the committee, thanking all of those who negotiated over so many years on both sides for their tremendous effort; expressing my hope and anticipation that the kinds of concerns that have been raised by those who have concerns at least have provision for revision and for being corrected. I will be supporting and voting for this bill with a good deal of pride.

**Senator Day:** Will the honourable senator accept a question?

**Senator Mitchell:** Absolutely.

**Senator Day:** Senator Mitchell, have you had a chance to review the proceedings of the committee in the House of Commons that looked at this particular bill, and were you able to determine whether there were any points of view that were considered over there that you hadn't had a chance to take into consideration here?

**Senator Mitchell:** I did not specifically review the process that went on in the House of Commons.

I am aware through testimony and other discussions of some of that testimony, and was not aware of them raising or covering things that we didn't ultimately cover in our study ourselves.

**Senator Day:** Were there any witnesses or any groups, as Senator Sibbeston has mentioned, who expressed some concerns and who have not been given the opportunity to be heard? Is it your intention when this bill is referred to committee to take the time to hear from those particular people even though you have already done a pre-study of this bill?

**Senator Mitchell:** I'm not aware of any specific group in that category, but I am aware of a group — and I won't mention its name; it's not necessary — that we did invite who has concerns with this piece of legislation. We had actually scheduled a time, but they didn't appear.

**Senator Day:** As a supplementary question, you are going to have this bill referred to your committee for study, and you don't have to proceed immediately to clause-by-clause consideration. Is it your intention to propose that you do hear from them and give them an opportunity to appear?

**Senator Mitchell:** The group that we invited or other groups?

**Senator Day:** Any groups.

**Senator Mitchell:** To this point, that hasn't been our intention. We felt we had done a very extensive study.

I will say that at a certain point throughout that study it became apparent that we were really having concerns reiterated. We weren't finding new concerns, and that may be. You might argue in response that that would be because we hadn't heard from every group. But when I listen to the comments of Senator Sibbeston and the nature of his questioning, and those of Senator Patterson, both of whom are from that area and are former premiers, that had something been missed in that regard, they would have commented on it. Certainly Senator Sibbeston would have because he particularly reflected those concerns in his comments and in some of his questioning.

**Senator Day:** Will you undertake to discuss with the steering committee the advisability of having further hearings before you proceed with clause by clause?

**Senator Mitchell:** I can say emphatically, yes, I will do that.

**Senator Day:** Thank you.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** It was moved by Honourable Senator Patterson, seconded by Honourable Senator Bellemare, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Patterson, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

## FIRST NATIONS ELECTIONS BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Oh, for the second reading of Bill C-9, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today to speak at second reading of Bill C-9, the proposed "First Nations Elections Act." This bill is not a new bill; a previous iteration titled Bill S-6 was introduced in the Senate on December 6, 2011, and it was passed by the Senate on April 24, 2012. Bill S-6 died on the Order Paper in the other place when Parliament was prorogued on September 13, 2013. It was then re-introduced in the other place under the title Bill C-9 on October 29, 2013. It passed third reading on December 10, 2013, and is now before the Senate again for consideration and study — unchanged despite a serious major concern that was raised in both houses.

I spoke in this chamber at third reading of this bill's predecessor, Bill S-6, on April 3, 2012, and zeroed in on the major flaw in the bill: paragraph 3(1)(b), which states that:

The Minister may, by order, add the name of a First Nation to the schedule if

(b) the Minister is satisfied that a protracted leadership dispute has significantly compromised governance of that First Nation....

This clause grants the Minister of Aboriginal Affairs and Northern Development Canada the power to order a First Nation to come under the provisions of the bill in cases where he or she has made a negative judgment about the functional viability of the elected leaders of an individual First Nation community.

During our committee study of the predecessor bill, Bill S-6, the majority of First Nation witnesses — Assembly of First Nations, the Assembly of Manitoba Chiefs, the Lac La Ronge Indian Band and the Canadian Bar Association — asked us to delete paragraph 3(1)(b). Even Chief Paul from the Atlantic Policy Congress, which was instrumental in the initiation of the bill, saw that this clause was bad. Chief Paul stated that:

... imposing an external will on a community has consequences. We have learned over the years that if anyone imposes their will upon them, communities are very negative about that kind of stuff.

Two years ago, our committee struggled with this issue and, in the end, though an amendment to delete this troublesome clause was defeated, we attached observations to the bill to express our concerns.

I will read into the record excerpts from those observations to the fourth report of the Standing Senate Committee on Aboriginal Peoples, tabled on March 13, 2012.

Point No. 3:

Some observers have expressed concern that sections 3(1)(b) and 3(1)(c) of Bill S-6 grant additional powers to the Minister. The Minister and his officials argue that they restrict the powers the Minister already possesses under the Indian Act. In any case, it is the view of the Committee that these powers, whether exercised under the Indian Act or under Bill S-6, continue a colonial and paternalistic approach to First Nations governance. Sections 3(1)(b) and 3(1)(c) should only be used in the rarest of cases when every other form of dispute resolution or democratic reform at the First Nation level has been attempted and has failed.

I was reminded a few days ago of what was said during our discussions two years ago about deleting paragraph 3(1)(b). It was said that “this issue was not the hill to die on.” In other words, it wasn’t important enough. I don’t know why some people can’t see that having a minister have power over your elected leadership is a big and important problem. I don’t know how they can continue to deny the inherent right of Aboriginal peoples to govern themselves. Clause 3(1)(b) clearly contravenes section 35 Aboriginal rights. This clause is paternalistic and rooted firmly in an archaic colonial mindset. I wish I could convince members opposite to see this clause through a First Nations lens.

• (1530)

Honourable senators, the impact of clause 3(1)(b) was minimized by messaging from the minister and the department on this bill. The media release and the bill kit information stated that the bill is optional. That’s true. However, Bill C-9 also allows the minister to order a First Nation to come under its provisions, but there was no explicit mention of that aspect of the bill.

During the study of Bill C-9 in the other place, Minister Valcourt stated in his opening remarks that the ministerial power to intervene in Indian Act elections:

... is paternalistic and frankly not a business I think that the minister should be in. This bill would remove the minister from the equation and ensure that appeals are dealt with by the courts...

That sounds fine, but at the same time, the bill actually legislates the use of ministerial power to order a First Nation to come under the bill’s provisions. Clause 3(1)(b) puts the minister right back in the business, a business that by his own words he thinks is “paternalistic.” In fact, it’s not only paternalistic, it’s also unconstitutional.

Honourable senators, the previous minister, John Duncan, made similar comments two years ago. He stated that he wanted out of being in charge of Indian Act election disputes, but at the same time he did not want to give up the power to order a First Nation with a governance problem to hold a Bill C-9 election. While both ministers say they think they shouldn’t have the power to intervene in First Nation elections, both still support the inclusion in this bill of that very same power. In other words, both ministers say one thing but do another.

If the goal is to remove the minister from resolving election disputes and let the courts handle potential disputes, there is no need for the minister to have such authority. The courts already do handle custom code election disputes. Why does the minister need to involve himself in custom code elections?

Honourable senators, I am genuinely puzzled as to why the government has steadfastly refused to amend Bill C-9 by deleting clause 3(1)(b) and thereby not give the minister the power to order a First Nation to come under its provisions. This refusal denies the validity and seriousness of the requests from the majority of witnesses to do so. Furthermore, such a deletion would have no negative impact on those First Nations who are eager to see this bill passed into law. One can only speculate as to why the minister still wants to hang on to the power to force a First Nation to come under Bill C-9.

So, let me speculate. Most people would probably not see it as a problem for the minister to order a First Nation that holds elections under the Indian Act to come under Bill C-9 because the provisions under Bill C-9 are better. However, when it comes to First Nations who hold custom code elections, the situation is different because these First Nations have developed electoral processes that are better than Indian Act elections and they have even been approved by the Department of Aboriginal Affairs and Northern Development.

These custom code First Nations are seen to have moved away from the Indian Act, and election disputes are settled by an alternative dispute resolution policy or by the courts, but not by the minister. So normally the minister is not supposed to intervene in the governance of custom code First Nations.

However, clause 3(1)(b) of Bill C-9 gives the minister legislative power to intervene in custom code election disputes. Leadership disputes are integral to the democratic process and may be

intensified as First Nation communities, provincial governments and private sector organizations interested in resource development, such as the Northern Gateway pipeline, try to reach agreements. The federal government is not neutral. It has its own vested interests, which might be at odds with those of a particular First Nation, and so one could speculate that the minister may feel inclined to order an election in hopes of finding more compatible First Nation leadership when there appear to be delays or disputes in settling resource development disputes between industry, First Nations and other levels of government.

Honourable senators, in testimony to the Aboriginal Peoples Committee, the director general of the governance branch of Aboriginal Affairs and Northern Development Canada stated that:

The types of disputes that would qualify under this wording

That's referring to clause 3(1)(b).

— are those where competing factions in the community claim to be the legitimate government, causing the Government of Canada, the provinces, the private sector and community members themselves not to know who the legitimate leaders of the First Nation really are.

So perhaps my speculation is not so far-fetched after all.

Honourable senators, clause 3(1)(b) is unconstitutional. It also undermines the good intentions of the bill and undermines the recently improved Canada-AFN relationship. I still think clause 3(1)(b) should be deleted. Over the last few years, we have had a number of bills affecting First Nations, such as the matrimonial real property bill, the safe drinking water bill and this one, First Nation elections. All of them contain unwanted provisions that threaten and weaken First Nation autonomy.

Yet, perhaps there is a shift. The Prime Minister's announcement in Lethbridge just a few weeks ago about the proposed First Nation education act indicated that the concerns of First Nation leaders now are being heard and consequently there were promises of increased funding for First Nation education in two years' time and promises of First Nation control of First Nation education. This is welcome news.

In keeping with this renewed Canada-AFN relationship, I am hoping that this good will prevail and that the minister will agree to relinquish his power to impose Bill C-9 on any First Nation through application of clause 3(1)(b).

One final aspect of clause 3(1)(b) that I think is important to note and that has not been discussed previously is the vagueness of this clause compared to the other well-articulated provisions in the bill. For example, clauses 30 to 35 of Bill C-9 deal with contested elections, situations that certainly could comprise leadership dispute. There are six clauses that outline how to deal with contested election situations. This is in marked contrast to the single clause, 3(1)(b), which simply states the minister can impose this bill on a First Nation when there has been a protracted leadership dispute that has significantly compromised governance.

These two critically important phrases — “protracted leadership dispute” and “significantly compromised governance” — are not defined in the bill. There are no definitions anywhere that spell out more clearly what these phrases mean. The situation is so vague that it is not even certain that “leadership dispute” is restricted to disputes over an election result, such as when there are only a few votes between competing candidates. “Leadership dispute” could be interpreted as meaning a dispute between chief and council members over any order of business.

Similarly, the phrase “significantly compromised governance” is wide open to a myriad of interpretations. Frankly, I have no idea what that phrase means. Is it, as speculated earlier in my speech, when a community is wrestling with an important issue like resource development on their lands and trying to come to a decision with respect to divergent views?

There are no accompanying regulations that would outline the conditions for when and how the minister could order a First Nation to come under Bill C-9, and there is no guarantee that such regulations would be co-developed with First Nations.

• (1540)

In looking at the clause of the bill that deals with regulation development, clause 41, there is no mention of developing regulations to define or set parameters on the use of the power indicated in paragraph 3(1)(b). There is no promise to work with First Nations such as there was in the Safe Drinking Water for First Nations Act. In that bill, a paragraph in the preamble confirms that the Government of Canada is “committed to working with First Nations to develop proposals for regulations to be made under this Act.” A similar paragraph should also be inserted into Bill C-9.

Honourable senators, in today's renewed Canada-AFN relationship, I hope that the Aboriginal Peoples Committee will recommend that definitions of “protracted leadership dispute” and “significantly compromised governance” be incorporated into the bill, and that the situations under which the minister can use paragraph 3(1)(b) be described. Perhaps the minister could guarantee that such regulations will be developed in collaboration with the AFN through subclause 41(i), the making of regulations respecting “anything else that by this Act is to be prescribed.”

Honourable senators, while the majority of this bill is positive, the inclusion of paragraph 3(1)(b) undermines its good intentions. This clause granting the minister the undefined and unfettered power to order a First Nation to come under Bill C-9 is an unconstitutional anachronism. This clause contravenes the inherent rights of First Nations to govern themselves.

In the new Fair Elections Act, would you support a clause that grants the Prime Minister the power to resolve federal election disputes? No, obviously not. So why would you support granting the Minister of Aboriginal Affairs the power to resolve First Nation election disputes? The situation is analogous. If we pass Bill C-9 unchanged, we will be applying a different standard for First Nation elections. In Canada, I don't think this is acceptable.

Let me conclude by reminding all honourable senators that nearly four years ago, in May 2010, our Standing Senate Committee on Aboriginal Peoples released a report entitled

*First Nations Elections: The Choice is Inherently Theirs.* In our report, we recommended the creation of an independent First Nations electoral and appeals commission to oversee the electoral capacity of First Nations and provide an appeals process independent from the Minister of Aboriginal Affairs.

The minister says he no longer wants to be in the business of intervention in First Nations elections. The simplest solution would be to follow through on the recommendations of our Senate report. In fact, in our 2012 observations, we recommended the creation of a First Nations elections institution, saying that it was something that needed to be followed up on.

There is no jurisdiction or any need for paragraph 3(1)(b) to allow the minister to continue to have control of First Nations communities undergoing leadership disputes of any kind.

I still do not support this bill as it now stands and would highly recommend that we try to incorporate some changes to delete the ministerial power.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Would Senator Dyck take a question?

**Senator Dyck:** Yes.

**Senator Fraser:** I congratulate you not only on a well-researched speech but also one that was extremely informative, so I thank you. I haven't done anything like the research on this bill that you have, so I don't know if this question is pertinent: Can you tell me if there's a non-derogation clause in it?

**Senator Dyck:** No, there is not a non-derogation clause. I don't think there would be in this kind of bill. Often at the top, there's something talking about the fact that it won't take away from non-derogation of Aboriginal rights. I don't think there is here, and I don't have a copy with me to look and see.

**Senator Fraser:** I raise it because, as Senator Patterson reminded us yesterday in his wonderful and eloquent remarks about Senator Watt, this has been a passion of Senator Watt's. When I served on the Legal and Constitutional Affairs Committee, he persuaded us all that it was a legitimate path.

This is one of the things we should watch for in every single bill where it might be even remotely pertinent. If it is not in this one — and you don't think it is needed, then I trust your judgment.

**Senator Dyck:** My memory may not be perfect.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** When shall this bill be read a third time, honourable senators?

(On the motion of Senator Martin, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, may I draw your attention to the presence in the gallery of the Honourable Tim McMillan, the Minister Responsible for Energy and Resources in the distinguished Province of Saskatchewan, who is in the gallery with his wife Ali.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

[Translation]

#### STUDY ON ECONOMIC AND POLITICAL DEVELOPMENTS IN THE REPUBLIC OF TURKEY

##### SECOND REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Unger:

That the second report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Building Bridges: Canada-Turkey Relations and Beyond*, presented in the Senate on November 28, 2013, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as minister responsible for responding to the report, in consultation with the Minister of International Trade.

**Hon. Roméo Antonius Dallaire:** Honourable senators, you will recall that last Tuesday I said that I wanted to say a few things about the report on relations between Canada and Turkey by one of our colleagues on the Senate Standing Committee on Foreign Affairs and International Trade.

Last Tuesday, there was mention of the Armenian genocide, which was recognized by Canada in 2004. Mass atrocities are still being perpetrated in a number of countries in the southern hemisphere, and genocide has not been stamped out. As you know, the genocide in Darfur is continuing under the influence of the Government of Sudan.

[ Senator Dyck ]

• (1550)

Genocide is also looming in the Central African Republic. In this context, the matter in which Turkey was involved, as well as the subject of genocide, should remain uppermost in our minds as we take action in matters related to human rights and international law.

I read the report very carefully and I would like to raise one point in particular before coming back to the subject of mass atrocities. The report makes no mention of security. In a matter involving a country that is an eyewitness to an absolutely terrible situation in the Middle East, it is hard to understand why the report would barely touch on the fact that there are problems in Syria. They have over 600,000 refugees and are concerned about them, but at the same time, the Turkish government is being quite pragmatic regarding these problems and continues to work on its trade relations, in spite of the risks.

[English]

The report is essentially a report in which we are encouraging the government, through the recommendations — all six really, but five of the six specifically — to continue to increase our bilateral relations with Turkey because it's good business. We pursue this argument in quite extensive detail. In fact, through their visit to Turkey, they went and met with numerous individuals on the trade side, the commerce side and with whatever department or organization that might have anything to do with trade and commerce.

However, there's nothing from either the witnesses that came before the committee or from when the committee was overseas that speaks of the state of security in the region and how it is part of the bilateral dimensions should Canada be so engaged. It is, as you know, right on the cusp of a potentially disastrous arena in the realm of failing states and imploding nations in which the massive destruction of human beings is going on.

Syria is only one of the ones along that whole line, potentially near sub-Saharan Africa, as it moves across. In Syria, Mali, Central African Republic and so on, we've seen the movement of munitions of those who are threatening the security of those countries and undermining them, emanating, first, from the Libya conflict and now from the Syria conflict. All of that is on the border of Turkey.

The question is: We want to trade with them, but is there not another dimension in which this country would want to have an engagement with Turkey? I speak specifically here of giving them a hand in trying to assist in attenuating the catastrophic scenarios going on in that region. We have extensive capabilities, both diplomatically and militarily, to be able to assist Turkey and be a reinforcement to Turkey as it seeks to bring solutions, to assist the UN and also the regional powers in bringing some solutions to catastrophic scenarios like Syria. To them, this is a significant factor because those scenarios have the potential to destabilize that region and, in particular, have a significant effect on commerce. You can't do commerce if you have a whole bunch of people who want to destroy your country or potentially want to create subversive elements that could ultimately bring about the destruction of your country.

I just feel that the report touched on commerce and on bilateral work, but really omitted to any extent the recommendation that could have been added in which we want Canada to fill its real role as a leading middle power in this world and to have a significant influence in that region that we can have by, in particular, supporting a NATO ally. I find that aspect quite interesting.

As we know, Turkey wants to join the European Union, and we want to have free trade. That's good business and, of course, we want to support them. But it's also interesting to note that Turkey is also an ally in NATO that at times has created some tensions.

I bring to you a visit report — nearly a trade report — in which I was involved a few years back where we were looking at selling air defence systems to Greece. You might say, "Okay, that makes sense; it's part of NATO and NATO interoperability. Of course, they want to buy defence systems; they're out there in the Mediterranean." However, when we did the analysis of why they were buying it, they were buying it because they wanted to protect themselves against Turkish aircraft. They were buying it in order to shoot down Turkish aircraft that were flying over their areas. These are two friends within the NATO environment and that friction — of course, we've seen it in Cypress, and it's still there — still exists.

What is more troubling is that the border of Turkey is now in a threat environment and significant capabilities have been moved there, including Patriot missiles. When you start moving Patriot missiles, in Article 5 of the NATO convention it says that, if one of our buddies is in trouble, then we're all committed to supporting him. Why haven't we even discussed that aspect in the report, saying that there might be a call for us to be engaged in the support of Turkey because of the catastrophic scenario going on in Syria? Then we could also add the closeness to Iraq, the Iran situation and how they are on the front lines in some of the most volatile areas of the country and how we could go beyond the commerce dimension.

If we're talking foreign affairs, then be fully inclusive in not only talking about their international development program, which is escalating, and not only about the diplomatic or political stability in the country and some internal strife. Talk about their willingness to do business with everyone and to continue to strive that way, but we could also talk about security. To me, it's part of the exercise.

I cannot see a foreign policy that doesn't have some paragraphs and recommendations on security, particularly with an ally who is on the front lines of one of the most volatile and catastrophic areas of our world and caught up in that conflict. It is caught up in it. It's right there on their doorstep. Not only that, but they also have a whole whack of people from Syria, let alone what might ensue subsequently because of our inability to bring that to a conclusion.

Turkey has taken the decision to support the rebels in Syria, and that is not necessarily what everyone in Turkey wants. That should be a point to discuss. That should also be part of our ability to influence, to assist an ally on the front lines in trying to hopefully bring new solutions to a very significant civil war that has caused 130,000-plus casualties. There are now nearly 4 million

internally displaced people and refugees. Lebanon is being overrun by refugees. That could potentially destabilize Lebanon and that of course has an impact on Israel.

• (1600)

This is not just a side show. I totally agree with the commercial dimension and the bilateral strengthening of our commercial aspects with the country, but it seems to me just a little narrow — and I'm trying to be civil here — to not even consider a potential recommendation from a leading middle power in the world.

We're one of the 11 most powerful nations on the planet. There are 193 nations. It is unimaginable that we would not have a security aspect to our foreign policy on a bilateral basis with an ally, who is now on the front lines and who could potentially draw us — against our will, maybe, if we haven't debated it — into an Article 5 NATO deployment.

Colleagues, it's a good report and of course I'm going to support it. It's a very limited ambition. That is what I really want to say. However, it somewhat reflects the policies that are coming out where our international development — our foreign policy — is not one of diplomatic innovation and engagement in the world but of how we support business. How do we continue to increase our self-interest in order to gain from our relationships internationally?

That brings me back to the genocide dimension of this. Of course we can't ignore the history, nor can the Turkish and Armenian communities, but I think it is — may I have a few more moments?

**Hon. Senators:** Agreed.

**Senator Dallaire:** Thank you very much. That's very generous of you.

I think that it is also to be brought out that Canada did take the right decision regarding the recognition that the Armenian catastrophe was genocide. We hope that our Turkish friends will one day be able to come to grips with that. At the same time, though, I'm noticing that there are from our side — our side meaning this country — parliamentarians who are interested in the prevention of mass atrocities and genocide.

Yesterday, as an example, we had senators who joined in to the Kwibuka20 commemorations of the Rwandan genocide. Senator Fraser was there, Senator Ngo was there and Senator Meredith was there. What is highly interesting is that it was held at the Canadian War Museum, the only place in town that could take them. They commemorated that genocide of 20 years ago. Also, a number of you participated in the genocide prevention parliamentary group, which not only had the undersecretary in attendance and discussions of that nature, but we also assisted the Rwandans in their commemoration yesterday.

I raise that because we did invent a solution to prevent this stuff. That's where I'm trying to go with the comments in regards to Turkey as it looks forward and our bilateral talks with them. We invented "responsibility to protect" out of the ashes of 800,000 human beings slaughtered and nearly 4 million internally displaced and refugees. In 2001 we invented the concept that

sovereignty is no more an absolute, and should mass abuses of human rights appear by a government, or that a government can stop it, we have the responsibility to go in and to protect.

With the history of the Ottoman Empire and Turkey, with the Armenian situation, with our recognition that we saw it as a genocide and we want to prevent genocide, I think it is also part of our foreign policy to articulate that there are tools out there now through the UN, with the international community, that we created to go into that prevention mode. Turkey is right on the front lines of a catastrophic scenario that should have seen us using R2P and should have seen us supporting them in that dimension.

The report is fine. It's just a shame that it didn't touch on the humanitarian dimension. It didn't touch on the humanitarian catastrophes on the borders of that country to an extent where we might have even wanted to make a recommendation to the government to ask: Why not take a look at that? Why not provide Turkey with an ally that can in fact bring innovative solutions and is willing to engage in that sense versus simply doing it under the auspices of our interests there — stability in order to permit our better bilateral commercial endeavours?

I will support it and vote for it. I just think it's a bit of a shame. Thank you.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## HUMAN RIGHTS

### COMMITTEE AUTHORIZED TO STUDY INTERNATIONAL MECHANISMS TOWARD IMPROVING COOPERATION IN THE SETTLEMENT OF CROSS-BORDER FAMILY DISPUTES

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Ringuette:

That the Standing Senate Committee on Human Rights be authorized to study international mechanisms toward improving cooperation in the settlement of cross-border family disputes, including Canada's actions to encourage universal adherence to and compliance with the Hague Abductions Convention, and to strengthen cooperation with non-Hague State Parties with the purpose of upholding children's best interests; and



That the committee submit its final report to the Senate no later than December 31, 2014.

**Hon. Daniel Lang:** Colleagues, I won't take a lot of your time on this, but you will recall that two days ago we had a debate on the question of how this particular motion was presented and spoken to in view of the study that was being proposed be undertaken. I just want to put on the record that from my perspective I think we all have to be very careful that when we bring forward a motion of this kind, we don't presume that certain decisions are going to be made by the steering committee and then Internal Economy, especially in respect to international travel.

It's very important that we discuss the principles of a study, the purposes of a study, but, at the same time, it must go through the process that all other committee chairs and committees have to go through in order to be able to justify what their intentions are as far as the actual costs of these studies are concerned.

I think a point has been made, and it's something we should always keep in mind when requests of this kind come to the Senate floor so that we all have to abide by the same rules.

I would say to all members support the motion so that they can go forward to the presentation to the steering committee and then to Internal Economy.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

## THE HONOURABLE GERALD J. COMEAU, P.C.

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Martin, calling the attention of the Senate to the career of the Honourable Senator Comeau, P.C., in the Senate and his many contributions in service to Canadians.

**Hon. Andrée Champagne:** Honourable senators, a few weeks ago, we were all saddened to see a dear colleague leave this place after such a long time. Of course, I am talking about the Honourable Gerald Comeau, who worked here with us. Personally, I met Gerald Comeau for the first time when I attended the Progressive Conservative caucus in September 1984.

• (1610)

I was brand-new to the world of politics, and in listening to my new colleagues — I knew very few of them, except a few new

elected members from Quebec — I heard someone speaking French with that beautiful Acadian accent. At first I thought he was from the peninsula in New Brunswick, but when I asked him, he gave me a quick lesson on Canadian geography. Gerald Comeau was from Nova Scotia. He was very proud of that fact, and rightly so.

Over the years, Gerald and I often worked together on several files having to do with la Francophonie. When I came to the Senate in 2005, we reconnected. He had been appointed to the Senate several years earlier. As soon as I was sworn in, I once again joined the Assemblée parlementaire de la francophonie, known as the APF. I had chaired the Canadian branch of the APF before I lost my seat in Parliament, a fate reserved for many elected representatives.

I rejoined the APF and was very pleased to learn that Senator Comeau sat on the steering committee. We renewed our friendship and, over the years, he was a very warm and helpful advisor. Although I became the international president of the APF last July when the position opened up, I still miss Gerald a lot.

In 2002, he received the rank of chevalier in the Ordre de la Pléiade. At the general meeting of the APF that will be held here in Ottawa in July, with the support of the members of our branch's steering committee, Senator Comeau will be promoted to the rank of officer of the Ordre de la Francophonie et du dialogue des cultures.

I know you all join me in thanking him for everything he did during his years of service. Thank you.

[English]

## ADJOURNMENT

### MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding Rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 4, 2014, at 2 p.m.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 4, 2014, at 2 p.m.)

**APPENDIX****ADDRESS****of****His Highness the Aga Khan****49th Hereditary Imam of the Shia Imami Ismaili Muslims****to both Houses of Parliament****in the****House of Commons Chamber****Ottawa****on Thursday, February 27, 2014**

## APPENDIX

## ADDRESS

of  
**His Highness the Aga Khan**  
**49th Hereditary Imam of the Shia Imami Ismaili Muslims**  
**to both Houses of Parliament**  
**in the**  
**House of Commons Chamber,**  
**Ottawa,**  
**on Thursday, February 27, 2014**

*His Highness the Aga Khan was welcomed by the Right Honourable Stephen Harper, Prime Minister of Canada; the Honourable Noël A. Kinsella, Speaker of the Senate; and the Honourable Andrew Scheer, Speaker of the House of Commons.*

**Hon. Andrew Scheer (Speaker of the House of Commons):** I would like to invite the Right Honourable Prime Minister to now address both Houses of Parliament and our distinguished invited guest.

[Translation]

**Right Hon. Stephen Harper (Prime Minister):** Mr. Speaker of the Senate, Mr. Speaker of the House of Commons, parliamentarians, honoured guests, ladies and gentlemen, it is my great honour to welcome His Highness the Aga Khan to the Parliament of Canada.

[English]

I am also pleased to recognize his family members and Ismaili leaders, who have come from across the country and around the world to hear His Highness address the Canadian people. Please, colleagues, welcome them all.

As we all know, Canada is home to a well-established and fast-growing Ismaili community. His Highness has therefore become an increasingly frequent visitor, and always a welcome one.

[Translation]

In fact, Your Highness, you are no longer simply a visitor. You are now an honorary Canadian citizen.

[English]

I remember well, Your Highness, the day you accepted honorary Canadian citizenship, something agreed to by all parties of this House.

It was during the foundation ceremony of Toronto's Ismaili Centre and Aga Khan Museum and Park. I am told construction there has gone well and that the centre will soon portray Islamic contributions to the enlightened pursuit of knowledge.

[Translation]

Soon, everyone will be able to access this carefully catalogued history.

[English]

In any case, Your Highness, know this: when you are in Canada, you are home.

[Translation]

In a few moments, His Highness will share some thoughts with us.

[English]

Our decision to extend Canadian citizenship to His Highness recognizes the reality of values shared and values acted upon.

His Highness' life-long advocacy for humanitarianism, pluralism, and tolerance has gone far beyond words.

[Translation]

For example, the Global Centre for Pluralism, here in Ottawa, was established in partnership with our government at the very beginning of our mandate.

[English]

His Highness' Global Centre for Pluralism here in Ottawa advances good governance and engages with societies on the precipice of crisis.

Similarly, through the Aga Khan Development Network, His Highness has been tireless in humanitarian and development initiatives in Africa, in Asia, including in Afghanistan, where the network continues to be a brave partner in Canada's efforts to secure and improve the lives of Afghan citizens.

Over the years, then, we have built together a solid record of genuine assistance to some of the world's neediest people. Today that work goes on. In particular, our government and the network co-operate in the development priority that Canada assumed at the Muskoka G8, the promotion of maternal, newborn, and child health.

[Translation]

The fact that so many women, infants and children in developing countries are dying needlessly is an unspeakable tragedy—I would even call it disgraceful—when medical knowledge is so widespread.

[English]

In this work, Your Highness, we are delighted to have your personal support and the capable assistance of the Aga Khan Foundation of Canada and the Aga Khan Development Network.

[Translation]

Canadians have the utmost respect for the work they do, and your leadership inspires us to hope for a better world.

[English]

Mr. Speaker, Mr. Speaker, colleagues, Canadians are strongest when we have the support of those who share our values.

[Translation]

Although revered in the western world, deeply rooted values are not restricted to a single culture.

[English]

Those who love freedom and democracy, those who desire peace, those who will uphold the basic rights of every man and woman, and those who, such as His Highness, share our belief that pluralism, diversity within a united country, is the basis of all of these things—these are our friends.

Your Highness, we have met on several occasions and, like our country as a whole, I value your counsel and your friendship.

[Translation]

It has become clear that there is an exquisite symmetry, as I once described it, between your values and Canadian values.

[English]

You once said that we cannot make the world safe for democracy without first making the world safe for diversity. This is a most Canadian way of seeing things.

[Translation]

It is in that spirit that our government created Canada's Office of Religious Freedom last year, because we believe that freedom of religion and freedom of conscience form the basis of our freedoms.

[English]

Your Highness, the depth of our relationship suggests that more frequent and deliberate dialogue between the Imamate and the Government of Canada would be beneficial.

[Translation]

I am therefore pleased to announce that at the conclusion of these proceedings, the Imamate and the Government of Canada will sign a protocol of understanding that builds upon our broad, historic relationship.

[ Right Hon. Stephen Harper ]

[English]

I am, therefore, pleased to announce that at the conclusion of these proceedings, the Imamate and the Government of Canada will sign a protocol of understanding that builds upon our broad, historic relationship.

Let me conclude, Your Highness, by returning to the subject of Canada's Ismaili community, which began its life here more than 40 years ago as penniless refugees from Uganda. Yet, from that moment on, Canada's Ismailis have become one of Canada's most successful immigration stories.

[Translation]

Your Highness, the prosperity of your followers, their harmonious integration into Canadian society and the respect they have inspired could be considered a tribute to pluralism in Canada. That is very much the case.

[English]

The Ismaili combination of self-reliance and willingness to give for the betterment of others and of Canada itself is a reflection of your teachings and, Your Highness, it was a good day, a good day for all of us, when you told your followers to "make Canada your home". You must be very proud of them. Certainly, we all are.

[Translation]

Now, Mr. Speaker, parliamentarians, please join me in welcoming a great friend and partner of Canada, His Highness the Aga Khan.

[English]

**H.H. Aga Khan (49th Hereditary Imam of the Shia Imami Ismaili Muslims):** *Bismillahir Rahmanir Raheem.*

Prime Minister, Speaker Kinsella, Speaker Scheer, honourable members of the Senate and the House of Commons, Chief Justice of the Supreme Court, honourable members of the diplomatic community, distinguished guests, ladies and gentlemen, the Prime Minister's generous introduction has been very kind. I am grateful for this invitation, for our association, and for so thoughtfully enabling leading representatives of our community and institutions around the world to join us on this occasion. Thank you, Prime Minister.

I am thankful that these leaders of the Ismaili community will have this opportunity to see for themselves why Canada is a leader in the community of nations. I must also thank you, Prime Minister, for inviting me to become an honorary citizen.

May I congratulate you on the gold medals of your remarkable hockey teams in Sochi. As an ex-player myself, I was hoping you would require your honorary citizens to join your team. I am convinced that the Dalai Lama and I would have been a formidable defence.

[Translation]

Thank you again for the invitation, Mr. Prime Minister.

It is an unprecedented honour for me to be here today. This is both a personal feeling and an objective observation, since I was told that this is the first time in 75 years that a spiritual leader has addressed a joint session of the Senate and the House of Commons during an official visit.

It is therefore with humility and a feeling of great responsibility that I speak to you, the elected representatives of the Canadian federal Parliament, in the presence of the highest authorities of the federal government.

I have the great privilege of representing the Ismaili Imamate, an institution that reaches across borders and, for over 1,400 years, has identified itself and been recognized by a growing number of states as the succession of the Shia Imami Ismaili imams.

As the 49th Imam in that long history, for over 50 years, I have carried two inseparable responsibilities: overseeing the spiritual journey of Ismailis and, at the same time, improving their quality of life and the quality of life of the communities in which they live.

Although there was a time where the Ismaili imams were also caliphs, which means heads of state—for example, in Egypt in the Fatimid period—today, my role is not a political one, since all Ismailis are first and foremost citizens of their native or adopted country.

The purview of the Ismaili Imamate is much greater now than it was in those days, since today, it is active in many areas of the world. With that in mind, I would like to share some thoughts with you that I think are important.

[English]

I propose today to give you some background about myself and my role and then to reflect upon what we call the *umma*, the entirety of Muslim communities around the world.

I will comment as a faith leader on the crisis of governance in so much of the world today, before concluding with some thoughts about the values that can assist countries of crises to develop into countries of opportunity and how Canada can help shape that process.

First then, a few personal words.

I was born into a Muslim family, linked by heredity to the Prophet Muhammad. May peace be upon him and his family.

My education is blended in Islamic and western traditions. I was studying at Harvard some 50 years ago—actually, 56 years ago—when I became the hereditary Imam of the Shia Imami Ismaili Muslims. The Ismaili Imamate is a separate national entity, representing the succession of imams since the time of the Prophet. Let me clarify something more about the history of that role, in both the Sunni and the sheer interpretations of the Muslim faith.

The Sunni position is that the Prophet nominated no successor and that spiritual moral authority belongs to those who are learned in matters of religious law. As a result, there are many Sunni imams in a given time and a given place. Others believe that the Prophet had designated his cousin and son-in-law Ali as his successor. From that early division a host of further distinctions grew up, but the question of rightful leadership remains central. In time the Shia were also subdivided over those questions, so that today the Ismailis are the only Shia community who throughout history have been led by a living hereditary imam in direct descent from the Prophet.

The role of the Ismaili imam is a spiritual one. His authority is that of religious interpretation. It is not a political role. I do not govern any land. At the same time, Islam believes fundamentally that the spiritual and material worlds are inextricably connected. Faith does not remove Muslims or their imams from daily practical matters in family life, in business, and in community affairs. Faith, rather, is a force that should deepen our concern for our worldly habitat, for embracing its challenges, and for improving the quality of human life. The belief in this fusion of faith and world is why much of my attention has been committed to the work of the Aga Khan Development Network.

In 1957, when I succeeded my grandfather as Imam, the Ismaili community lived for the most part in the colonies and ex-colonies of France, Belgium, and the British Empire, or behind the Iron Curtain. This is still a highly diverse community in terms of ethnicity, language, culture, and geography. They continue to live mostly in the developing world, though increasing numbers now live in Europe and North America.

Before 1957, individual Ismaili communities had their own social and economic institutions where that was allowed. There was no intent for them to grow to national prominence, and even less vision to coordinate their activities across frontiers.

Today, however, that situation has changed, and the Aga Khan Development Network has a strong presence in several dozen countries where appropriate regional coordination is also useful. The AKDN, as we call it, is composed of a variety of private non-governmental, non-denominational agencies, implementing many of the Imamate's responsibilities. We are active in the fields of economic development, job creation, education, health care, as well as important cultural initiatives.

Most of our AKDN activities have been borne from the grassroots of developing countries, reflecting their aspirations and fragilities. Through the years, of course, this landscape has changed fundamentally, with the creation of new states, like Bangladesh; the horrors of ethnic cleansing, in Uganda; the collapse of the Soviet empire; and the emergence of new countries with large Ismaili populations, such as Tajikistan. More recently, of course, we have faced the conflicts in Afghanistan and in Syria, but through all of these experiences, the Ismaili peoples have demonstrated an impressive capacity to persevere and to progress.

Our work has always been people driven. It grows out of the age-old Islamic ethic that is committed to goals with universal relevance: the elimination of poverty, access to education, and social peace in a pluralist environment. The AKDN's fundamental objective is to improve the quality of human life.

Among the great common denominators of the human race is a third aspiration, a common hope for a better quality of life. I was struck a few years ago to read about the UNDP survey of 18 South American states, where the majority of the people were less interested in their forms of government than in the quality of their lives. Even autocratic governments that improve their quality of life would be more acceptable for most of those polled than ineffective democratic governments. I cite that study, of course, with due respect to governmental institutions that have had a more successful story, including certain very distinguished parliaments.

The sad fact behind so much instability in our world today is that governments seem to be inadequate to these challenges. A much happier fact is that in the global effort to change this picture, Canada is an exemplary leader.

Let me now describe a few examples of a quarter century of close collaboration between AKDN and Canada. One of our earliest collaborations was to establish the first private nursing school in Pakistan, in co-operation with McMaster University and the CIDA of that time. It was the first component of the Aga Khan University, the first private university in that country. The nursing school's impact has been enormous. Many of those who now head other nursing programs in hospitals in the whole of the region, not just Pakistan, are graduates of our school.

Canada was also one of the first donors to the Aga Khan rural support program in northern Pakistan, tripling incomes in this remote marginalized area. The approaches developed there have shaped our further collaborations in Tajikistan, Afghanistan, Kenya, and in Mozambique.

Canada has also helped to establish the Aga Khan University Institute for Educational Development, in Karachi and East Africa, along with other educational initiatives in Kenya, Tanzania, Uganda, Mozambique, Afghanistan, Tajikistan, and Pakistan, including pioneering work in the field of early childhood development.

I could also speak about our close ties with Canadian universities, such as McMaster, McGill, the University of Toronto, and the University of Alberta, enhancing our own institutions of tertiary education, the Aga Khan University, and the University of Central Asia. The latter institution has resulted from the Imamate's unique tripartite treaty with the governments of Kazakhstan, Kyrgyzstan, and Tajikistan. It serves some 22 million people who live in central Asia on hillside and high mountain environments, areas of acute seismic and economic vulnerability.

I could list many more examples in cultural development and in scientific research. We are especially proud of the Global Centre for Pluralism here in Ottawa, a joint project of the Imamate and the Canadian government.

In just three years, Canada will mark its 150th anniversary, and the whole world will be ready to celebrate with you. Sharing Canada's robust pluralistic history is the core mission of our global centre, and 2017 will be a major opportunity for doing so. Operating from its headquarters in the former war museum

on Sussex Drive, perhaps 2017, and the celebrations, can be a catalyst with our neighbours to improve the entire riverfront area around that building.

Our partnership in Canada has been immensely strengthened, of course, by the presence, for more than four decades, of a significant Ismaili community. Like most historical global communities, the Ismaili peoples have a variegated history, but surely our experience in Canada has been a particularly positive chapter. I happily recall the establishment of the delegation of the Ismaili Imamate here in 2008, and the Prime Minister's description that day of our collaborative efforts to make Canada "the headquarters of the global effort to foster peace, prosperity and equality through pluralism". We are deeply pleased that we can today sign a new protocol with your government, further strengthening our ongoing platform for co-operation.

As we look to the next 25 years of the AKDN, we believe that our permanent presence in the developing world will make us a dependable partner, especially in meeting the difficult challenges of predictability. Against this background, let me move on to the broad international sphere, including the role of relations between the countries and cultures of Islam, what we call the *umma*, and non-Islamic societies. It is central to the shape of global affairs in our time.

I would begin by emphasizing a central point about the *umma* that is often unseen elsewhere: the fundamental fact of its immense diversity. Muslim demography has expanded dramatically in recent years, and Muslims today have highly differing views on many questions. Essential among them is that they do not share some common overarching impression of the west. It has become commonplace for some to talk about an inevitable clash of the industrial west and Islamic civilizations. However, Muslims do not see things in this way.

Those whose words and deeds feed into that point of view are a small and extreme minority. For most of us, it is simply not true. We find singularly little in our theological interpretations that would clash with other Abrahamic faiths, with Christianity and Judaism. Indeed, there is much that is in profound harmony.

When the clashes of modern times have come, they have most often grown out of particular political circumstances, the twists and turns of our relationships and economic ambitions rather than deep theological divides, yet, sadly, what is highly abnormal in the Islamic world gets mistaken for what is normal.

Of course, media perceptions of our world in recent years have often been conveyed through a lens of war, but that is all the more reason to shape global conversation in a more informed direction. I am personally aware of the efforts the Prime Minister has made to achieve this. Thank you, Prime Minister.

The complexity of the *umma* has a long history. Some of the most glorious chapters in Islamic history were purposefully built on the principles of inclusiveness. It was a matter of state policy to pursue excellence through pluralism. This was true from the time of the Abbasids in Baghdad and the Fatimids in Cairo over 1,000 years ago. It was true in Afghanistan and in Timbuktu

in Mali, and later with the Sufavids in Iran, the Mughals in India, the Uzbeks in Bukhara, the Ottomans in Turkey. From the 6th to the 18th century, Al-Andalus thrived on the Iberian Peninsula under the Muslim aegis, but was also deeply welcoming to Christian and Jewish peoples.

Today, these Islamic traditions have been obscured in many places, from Muslims and non-Muslims alike. The work of the Aga Khan Trust for Culture, including the Aga Khan Award for Architecture and our historic cities program, is to revive the memory of this inclusive inheritance. Another immediate initiative is the Aga Khan museum, which will open this year in Toronto, an important testimonial in a Canadian setting to the immense diversity of Islamic cultures.

Perhaps the most important area of incomprehension outside the *umma* is the conflict between the Sunni and Shia interpretations of Islam and the consequences for the Sunni and Shia peoples. This powerful tension is sometimes even more profound than conflicts between Muslims and other faiths. It has increased massively in scope and intensity recently and has been further exacerbated by external interventions. In Pakistan and Malaysia, in Iraq and Syria, in Lebanon and Bahrain, in Yemen and Somalia and Afghanistan, it is becoming a disaster.

It is important, therefore, for non-Muslims who are dealing with the *umma* to communicate with both Sunni and Shia voices. To be oblivious to this reality would be like ignoring, over many centuries, that there were differences between Catholics and Protestants or trying to resolve the civil war in Northern Ireland without engaging both Christian communities.

What would have been the consequences if the Protestant and Catholic struggle in Ireland had spread throughout the Christian world, as is happening today between Shia and Sunni Muslims in more than nine countries? It is of the highest priority that these dangerous trends be well understood and resisted, and that the fundamental legitimacy of pluralistic outlooks be honoured in all aspects of our lives together, including matters of faith.

[Translation]

I would now like to address you in your other official language.

I just spoke about the misunderstandings between the industrialized world and the Muslim world and the conflict that is unduly affecting relations between the major traditions of Islam. Nevertheless, our hearts, minds and faith—for those who have it—tell us that it is possible to live in greater harmony.

In fact, recent changes have opened a door for us. Among these changes, I would like to point out how important the constitutional approach is in correcting existing constitutions that are proving to be inadequate as societies change, particularly in developing countries. This is a crucial issue that the duties of my position do not allow me to ignore.

You may be surprised to learn that 37 countries throughout the world have adopted a new constitution in the past 10 years and that 12 countries are in the later stages of modernizing their constitutions, which gives us a total of 49 countries. In other words, this movement affects a quarter of the member states

of the United Nations. Of these 49 countries, 25 per cent have a Muslim majority. This shows that, today, civil societies' demand for new constitutional structures has become inevitable.

At this point, I would like to take a moment to mention a particular difficulty the Muslim world is grappling with. Because of the way religious parties are structured, they support the principle that religion and state are inseparable. Consequently, when those parties are negotiating the terms of a constitution with stakeholders who demand the separation of religion and state, it is difficult to reach a consensus on the supreme law.

However, one country, the Republic of Tunisia, has recently demonstrated that it is possible. This is not the time or the place to delve into the details of the country's new constitution. However, it is the result of a truly pluralistic debate, and it appears to contain the rules needed to ensure mutual respect among the various segments of civil society. In particular, the country is embracing the concept of coalition, be it at the electoral or governmental level. That is a great leap forward for the expression of pluralism, which both Canada and the Ismaili Imamate are calling for.

This change gives rise to hope. The debate and conflict that are inherent in any pluralistic society are no longer taking place in the streets or public squares; they are taking place in the constitutional court, where the rule of law prevails. Over and above the contributions of the Tunisian constitutional experts, the preparatory work was an opportunity to hold consultations on comparative constitutional law.

In particular, I would like to commend the role played by legal experts from Portugal, a country that I hold in high regard. It, like Canada, has developed a civilization of mutual respect between communities and religious tolerance.

I am referring here to the law that has governed relations between the Portuguese Republic and the Ismaili Imamate since 2010. I am pleased to inform this esteemed assembly that this law, passed unanimously, recognizes the Ismaili Imamate as a supranational entity.

To conclude my remarks on the Tunisian constitution, I would like to quote François Hollande, President of the French Republic, who said this in Tunis:

...what sets your revolution—and your constitution—apart is the role played by civil society.

[English]

Clearly, the voices playing a major role in Tunisia are the voices of civil society. By civil society, I mean an array of institutions that operate on a private, voluntary basis, but are motivated by high public purposes. They include institutions devoted to education and culture, to science and research, and to commercial, labour, ethnic, and religious concerns. They include as well professional societies in law, accounting, banking, engineering, and medicine. Civil society encompasses groups that work on health and safety and environmental matters and organizations that are engaged in humanitarian service or in the arts or the media.

There is sometimes a tendency in the search for progress to focus solely on politics and government or on the private profit-making sector. Surely they both have roles to play, but in my view the world needs to pay more attention—much, much more attention—to the potential role of civil society. We see it expanding in many places, from sub-Saharan Africa to Tunisia and Egypt, from Iran to Bangladesh.

At a time of extreme danger in Kenya a few years ago, at the beginnings of a civil war, the former secretary-general of the United Nations, Kofi Annan, led the way to a peaceful solution, which rested heavily on the strength of Kenya's civil society.

Increasingly, I believe the voices of civil society are voices for change where change has been overdue. They have been voices of hope for people living in fear. They are voices that can help transform countries of crisis into countries of opportunity. There are too many societies where too many people live in a culture of fear, condemned to a life of poverty. Addressing that fear and replacing it with hope will be a major step toward the elimination of poverty, and often the call for hope to replace fear will come from the voices of civil society. An active civil society can open the door for an enormous variety of energies and talents from a broad spectrum of organizations and individuals. It means opening the way for diversity. It means welcoming plurality.

I believe that Canada is uniquely able to articulate and exemplify three critical underpinnings of a quality civil society: a commitment to pluralism, to meritocracy, and to a cosmopolitan ethic.

A cosmopolitan ethic is one that welcomes the complexity of human society. It balances rights and duties, freedom and responsibility. It is an ethic for all peoples, the familiar and the other, whether they live across the street or across the planet.

The Aga Khan Development Network has worked over five decades to assist in the enhancement of civil society, and as we look to its future, we are honoured that Canada views us as a valued partner. Thank you, Prime Minister.

One key to Canada's success in building a meritocratic civil society is your recognition that democratic societies require more than democratic governments. I have been impressed by recent studies showing the activity of voluntary institutions and not-for-profit organizations in Canada to be among the highest in the world. This Canadian spirit resonates with a cherished principle in Shia Ismaili culture: the importance of contributing one's individual energies, on a voluntary basis, to improving the lives of others. This is not a matter of philanthropy but rather of self-fulfilment, enlightened self-fulfilment.

During my golden jubilee six years ago, and this is important, Ismailis from around the world volunteered their gifts not only of wealth but, most notably, of time and knowledge in support of our work. We established a time and knowledge framework, a structured process, for engaging an immense pool of expertise involving tens of thousands of volunteers. Many of them travelled to the developing countries as part of this outpouring of service. One-third of those were Canadians. Their impact has

been enormous in helping us achieve best practice standards in our institutions and programs, making us, we hope, an even better partner for Canada.

Such efforts thrive when multiple inputs can be matched to multiple needs, which is why Canada's immense economic diversity is such a valuable global resource.

One of the foundational qualities of Canada's civil society is its educational emphasis. Studies show that Canadian students, whether native or foreign born, perform in the very top tier of students internationally and that, indeed, more than 45 per cent of the foreign-born population in Canada have a tertiary degree. This record of educational opportunity resonates strongly with the Shia Ismaili belief in the transformative power of the human intellect, a conviction that underscores AKDN's massive commitment to education wherever we are present, not only education for our faith but also education for our world. To do this, we are engaged in all levels of education.

The Aga Khan University in Karachi and in East Africa is expanding to create a new liberal arts faculty and to establish eight new post-graduate schools, in collaboration with several Canadian universities.

We share with Canada a deep appreciation of the potential of early childhood education. Congratulations, Prime Minister, for your initiative on this. It is the period of the greatest development of the brain. This education is one of the most cost-effective ways to improve the quality of life for rural as well as urban populations. In this regard, let me take a moment to salute the late Dr. Fraser Mustard, whose work in early childhood development will impact millions of people around the world. The AKDN has been fortunate to have been inspired and counselled by this great Canadian scientist and humanist.

Quality education is fundamental to the development of a meritocratic civil society and thus to the development of pluralistic attitudes. The history of Canada has a great deal to teach us in this regard, including the long incremental processes through which quality civil societies and committed cultures of pluralism are built. One of the watchwords of our new Global Centre for Pluralism is that pluralism is a process and not a product. I know that many Canadians would describe their own pluralism as a work in progress, but it is also an asset of enormous global quality.

Finally, what will a quality civil society require from us?

Sadly, the world is becoming more pluralist in fact but not necessarily in spirit. Cosmopolitan social patterns have not yet been matched by a cosmopolitan ethic. In fact, one harsh reality is that religious hostility and intolerance seem to be on the rise in many places, from the Central African Republic to the South Sudan to Nigeria to Myanmar, the Philippines, and other countries, between major religious groups and within them.

Again, Canada has responded in notable ways, including the establishment just one year ago of the Office of Religious Freedom. Its challenges, like those facing the Centre for Global Pluralism, are enormous, and its contributions will be warmly welcomed. Surely it will also serve as a worthy model for other countries.



In summary, I believe that civil society is one of the most powerful forces in our time, one that will become an increasingly universal influence, engulfing more countries, influencing, reshaping, and sometimes even replacing ineffective regimes. I also believe that civil society around the world should be vigorously encouraged and wisely nurtured by those who have made it work most successfully, Canada first among all.

I am most grateful to the Prime Minister, and to you, who have given me this opportunity to share, from a faith perspective, some of the issues that preoccupy me when looking ahead. I hope I have explained why I am convinced of the global validity of our partnership for human development.

Let me end with a personal thought. As you build your lives for yourselves and others, you will come to rest upon certain principles. Central to my life has been a verse in the Holy Quran, which addresses itself to the whole of humanity.

It says, "O mankind, fear your Lord, who created you of a single soul, and from it created its mate, and from the pair of them scattered abroad many men and women". I know of no more beautiful expression about the unity of our human race, born indeed from a single soul.

Thank you.

**Hon. Noël A. Kinsella (Speaker of the Senate):** Your Highness, Monsieur le premier ministre, Monsieur le Président Scheer, honourable senators and members of the House of Commons, distinguished guests, mesdames et messieurs.

On behalf of all present at this joint session of the Parliament of Canada, I wish to thank Your Highness for your thoughtful address to Parliament this morning.

Your Highness, your insight and leadership inspires us all to continue our work of humanitarian intervention throughout the global village. Your words today have underscored for Canadians the importance of humanitarian work as part of our national Canadian vocation as a caring and generous society. The lifelong commitment to the service of humanity exemplified by Your Highness is a beacon to all of us and is greatly admired.

During a 2006 inaugural ceremony to establish the delegation of the Ismaili Imamate here in Ottawa, Your Highness said:

Even against the most daunting challenges, social and economic progress can and must be a shared experience, based on a cosmopolitan ethic and nurtured by a spirit of genuine partnership.

Your Highness, these words convey the essence of our joint efforts.

[Translation]

We share many priorities in promoting social and economic progress, including maternal and child health, micro-finance and private-sector enterprise, particularly in regions in Asia and Africa. We also share a belief in the vital role that education plays, as you mentioned this morning, in eliminating the world's knowledge deficit, in preparing the next generation to succeed and meet the world's future challenges, and in matching economic development with human development.

[English]

Ours is a natural partnership in this area, based on Canada's reputation as a global leader in education and the long-standing tradition of the Ismaili Imamate in education development. Through collaborative projects involving several Canadian universities, we are undertaking important work to strengthen jointly the quality of teaching and learning, particularly in such areas as health and medicine, business and the humanities.

[Translation]

We are also working together to harness the potential of computers and high technology in the classroom and to strengthen primary education, especially for girls. Your ongoing efforts in promoting education for the benefit of the developing world are widely admired.

Canadians draw strength from your enduring commitment to these and other international development needs, even in the face of the most daunting challenges.

[English]

Your Highness, Prime Minister, the esteem with which we regard His Highness' commitment not only to educational development but to global progress more generally is reflected in the unanimous adoption of a motion in both Houses of our Parliament in June 2009 to bestow honorary Canadian citizenship on His Highness.

Permit me to share another of His Highness' visionary statements, drawn from his address, in 2009, to a graduating class of the University of Alberta. He stated:

In today's community of nations, a country's standing is no longer recognized simply by what it can achieve for itself, but just as much by what it can do for others.

These words, honourable colleagues, are a powerful idea emanating from one of the rare, true, global, and most highly respected statesmen of our time. They set a high standard that we strive to achieve.

On behalf of the honourable members of the House of Commons and the Senate of Canada, we thank Your Highness for your visit, for your inspiring message this morning, and for your continuing efforts to make this world of ours a better place.

**Hon. Andrew Scheer (Speaker of the House of Commons):** Your Highness, Prime Minister, Mr. Speaker of the Senate, honourable senators, members of the House of Commons, right honourable friends, distinguished guests, ladies and gentlemen.

On behalf of all members of the House of Commons, it is a personal honour to be able to add my thanks for your presence here today and for your kind and inspirational words, Your Highness.

During the nearly 57 years in which you have been Imam, much has changed around the world and for Islamis. One constant throughout, however, has been your unwavering dedication to improving the lives of the world's most vulnerable. Your leadership in these bold initiatives has garnered support from countries, organizations, and agencies the world over, and Canada, and indeed Canadians from across our country, are proud to count themselves among your most ardent supporters.

[Translation]

Of equal importance for parliamentarians, you have also worked to underline the key roles of dialogue and respect for diversity in strengthening democracy around the world.

This perspective—your perspective—helped to educate many here in Canada and in other countries where your agencies have worked for years as trusted partners with the Government of Canada.

[English]

As we all know, an important element of true dialogue is respect for different positions, and for diversity. Fundamentally, it is about respecting and honouring the dignity of all people.

In this you are, and have always been, a clear beacon and an example to follow. Your unabating tolerance and hope in the face of challenging circumstances and seemingly insurmountable odds is an inspiration for us all.

[Translation]

The commitment that you and the Government of Canada share to these ideals has also led to the establishment, in Ottawa, of the Global Centre for Pluralism.

As with all of your work, this centre emphasizes research, education and dialogue with partners here and around the globe.

[English]

Through your knowledge, your vision, your commitment, and your dedication, you are changing the world and making it a better place for those who are most in need of our assistance.

[Translation]

On behalf of all honourable members, thank you again for all that you have done and all that you will do.

Thank you.

[Applause]

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